# TITHES

## Examined and proued to bee due to the Clergie by a diuine right.

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VVhereby the contentious and prophane Atheists as also the dissembling Hypocrites of this age, may learne to honour the Ministers and not to defraude them, and to Rob the Church.

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Written by *George Carleton* Batchelour in Diuinitie.

Priated at London by *T. Este*, for *Clement Knight* dwelling in Paules Church-yard at the signe of the Holy Lambe. 1606.

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# To the moſt Reuerend Father in God, my very good Lord, the Lord Archbiſhop of Canterbury his Grace, Primate and Metropolitane of all England, and one of his Maieſties moſt Honourable Priuie Counſell.

SVch hath beene the preiudice of the times (moſt reuered Father in God) not in this age onely, but in many ages of the world heeretofore: that many truthes haue lien either neglected, as couered in the duſt, or oppreſſed by the countenance and multitude of ſuch as commonly are ready to condemne the thing, which they will not vouchſafe to vnderſtand. The feare of which cenſures hath moued me to ſuppreſſe for a long time, that which I had written of this queſtion. In which purpoſe I ſhould ſtill haue continued, if the reaſons of other had not more preuailed with me then mine owne opinion. Being therefore perſwaded of your graces fauourable acceptance, I haue preſumed to offer this as a pledge of my dutie, which as it was intended for the ſeruice of the Church, ſo to whom may it more worthily bee

offered then to him, who as in place, ſo in care and reſolution ſitteth to aduance the good eſtate of the Church.

In offering heereof my caſe is ſtrange and ſingular, for I muſt do it with proteſtation, that I am far off from thinking that the thing for which I plead will or can be effected, onely the opinion which many haue conceiued of your Graces wiſedome and courage, for the aduancement of the Churches oppreſſed eſtate, doth incourage mee alſo to thinke that by your Graces care the oppreſſions of the Church may be mollified, if not remooued: that the malice of iniurious cuſtomes and preſcriptions againſt the Church may be abated: that the vſe of impropriating may now at leaſt be ſtaied from proceeding to any further greauance of the Church. In which ſeruice of the Church, as you ſhall heereafter leaue a memorable name to your ſelfe: ſo in the meane time you ſhall ſtir vp the prayers of many for your preſeruation and continuance for the good of the Church of God, who with his plentifull graces bleſſe and direct your wayes to his glory and the comfort of his Church, through Ieſus Chriſt.

Your Graces in duetie
and in the ſeruice of the
Church to be commaunded.

*George Carleton.*

# To the Reader.

SEing wee are fallen into these last times, times dangerous and filled with much euill, wherein the furtherances of pietie doe dayly decrease, and the Church her selfe euen with that small portion which shee hath left, is become an vsuall praie, either to the prophane Atheist, that will violently rob her, or to the cunning hippocrite that vnder pretence of long prayers will deuoure Gods house: I thought it fit to recommend this learned treatise to the indifferent reader, that men of place in the common wealth, indued with knowledge to support the truth, may make a conscience to assist the clergie for obtaining their owne right, least vnder coulour of some vaine title or pretense of custome, the Lord himselfe complaine both against them and vs, that his house is a house of prayer, and we haue made it a den of theeues. Our land, I confesse, is faire and blessed like the kingdome of Canaan, but many of the people are like the Anakims, that eate vp the clergie thereof: and though Iosias were a good king, yet the times were euill, and a punishment of the former sinnes reserued in Gods iustice to the daies that followed. And howsoeuer wee cannot with Iosua finde kings in this caue, yet I feare mee, wee may fetch out more then fiue times fiue of our great families made richer by the spoiles of the Church, who haue either come in dissemblingly like Ieroboams wife, or boldly like Pharo to the Israelites, saying of the clergie, this people is stronger then we are, come let vs work wisely with them, least they multi-

Numb. 13. 33.

2. King. 22. 20.

Spelunca latronum.

Ios. 10. 23.

1. Kings. 14.

Exod. 1. 9. 10.

ply,

ply, *and without a witnesse, the leprosie of* Gehezie *sticketh so fast vnto their families, as many of our most auncient houses, I am perswaded, haue beene ruinated by this meanes,*

1. Sam 5. *for the Church liuing dealeth as the Arck with* Dagon, *casteth that downe which they had of their owne. If some of*

1. Sam 24. 5. *them delt but as* Dauid *with* Saul, *cut off the lap of our garment it were well (yet I would wish them to haue remorse for it) but to vse the Clergie as the king of the children of*

2. Sam 10. 4. Ammon *did the messengers of* Dauid *(who shaued of halfe of their beards, & cut off their garments in the middle) it is a contempt which the Lord wil not suffer to escape vnpunished.*

*Now I doubt not but the diligent perusing of this treatise shall so perswade the consciences of all that are not alreadie*

Psal. 50. *forestalled by some great sinnes,* that tithes are the Lords portion, holy to himselfe, that this portion he hath giuen to his ministers that serue at the Altar, *and so consequently that they may not safely detaine that from the Clergy which belongs vnto them, but rather make restitution with al humilitie, and desire the Lord with penitent harts to receiue at our hands the tenth part, which in a peculiar manner holily*

Psal. 50. *is his owne portion (for by another right,* the cattell are his, that are on a thousand hils) *that so in mercy hee may blesse vnto vs, the nine parts that remaine of all our substance, this fruit if it shall bring vnto thee that readest, and rest and peace to the poore Clergy, that are torne with contentions for their owne right, wee shall haue iust cause to reioyce for thy good, and be ready to recommend our further paines to the blessing of thy prayers, and the benefit of this Church.*

Lambeth. Ianu. 4. 1606.

WILLIAM COVELL.

# CHAP. I.

*The ſtate of the queſtion is ſet downe, and the truth confirmed.*

Oncerning Tithes (ſo farre as I could learne) there haue beene three opinions: Firſt, that Tithes are meere almes, and that the Miniſters of the word haue right to nothing, but ſhould liue in high pouertie. This opinion ſeemeth firſt to be brought by thoſe who were called Waldenſes, vpon the abuſe of Tithes, which they ſaw vnder the Church of Rome. It is recorded an opinion of theirs, by a writer whoſe name is not expreſſed, in the laſt æditon of *Catalogus teſtium veritatis*, tom. 2. lib. 15. This opinion *Iohn Wiclif* and his ſchollers receiued from them, as he receiued matters of greater importance. It is recorded the opinion of *Iohn Wiclif* by ~~one~~ *Thomas Waldenſis*. And among thoſe articles of *Iohn Wiclif* condemned by the counſell of *Conſtaunce*, this is one, *Art.* 18. *Wicliſes* Schollers held the ſame: *Iohn Hus* a Bohemian, *William Thorp* an Engliſhman, as appeareth by their examinations, recorded by maiſter *Fox*. The ſame opinion hath beene ſince taught by Anabaptiſts, and Trinitaries, as may be ſeene in a booke, *de antitheſibus veri & falſi Chriſti*. Anno Dom. 1568. *Albæ Iuliæ*. 1

Lib. 2. doct. fid. art. 3. cap. 64.

The ſecond opinion is, that Tithes are not due by Gods law, that is, a determinate quantitie is not preſcribed in the word, but onely as theſe men ſay, a reaſonable 2

or competent maintenance is inioyned. This is the opi-
Tom.1.contr.5 lib.1.cap.25. nion of them of the Church of Rome, as *Bellarmin* declareth, the ſame is much receiued among our latter writers of the reformed Churches, which onely ſhew of a generall approbation in this opinion, hath forced me many times, I confeſſe, to lay aſide my pen, thinking it much more ſafe to erre with this approbation, then to ſtriue for the truth againſt ſuch a ſtreame of gainſayers. For I will not thincke that of our men who haue laboured in reformed Churches, which others might ſay, that they haue denied Tithes to be due to the Church, vpon a deteſtation of popery, wherein tithes were ſo much abuſed: but this I thinke, that they intending greater points of doctrine, ſuffered this to lye leſſe regarded, and in a manner forgotten, as a thing not altogether ſo neceſſary, as thoſe other points wherein they made eſpeciall choiſe to labour. Then the reuerend regard of their names, their perſons, their labours being remooued from this queſtion, we take this opinion vnſound, and of leſſe probabilitie then the former.

3. The third is, that tithes are due to the Miniſters of the Church, by the expreſſe word of God. This is the iudgement of the auncient fathers, from the beginning without croſe or contradiction, vntill the ſupreame authoritie of the biſhop of Rome tooke them away by the meanes of impropriations. This is the concluſion which we purpoſe heere, God willing, to confirme: Firſt we will refute the two former opinions: then open the ſtory of Tithes, and confirme the point in queſtion: laſt wee will aunſwere obiections.

The firſt opinion refuted. The firſt opinion that tithes are almes, implyeth alſo thoſe ſeuerall braunches which *Bellarmine* for inlarging controuerſies, maketh ſeuerall queſtions, or queſtionable errors. That they are not to be payed to euill Miniſters, and that all miniſters muſt reſolue to liue in high pouerty, as it was tearmed. This opinion is thus ouerthrowen
1.Cor.9. by the words of the Apoſtle: *Who goeth to warfare at any time at his owne coſt? who planteth a vineyard and eateth*

not

*not of the fruit therof? or who feedeth a flock and eateth not of the milke of the flocke?* The reaſon ſtands thus, if he that goeth to warfare may of duty chalenge his wages of the people for whom he fighteth, or he that planteth a vineyard may of duety challenge to eate thereof, or hee who feedeth a flock may of duty challenge to eate of the milke of the flock: then the Miniſter fighting for the people againſt their ſpirituall aduerſaries, planting a vineyard among them, feeding a flock in feeding them, may challenge of duty his reliefe, not beg it as almes: but the firſt is true; therefore the ſecond. Out of which reaſon of the Apoſtle drawen from theſe examples, it appeareth farther, that by the law of nature the teachers are prouided for, becauſe by the law of nature he who goeth to warfare muſt bee prouided for, by them who ſet him to that ſeruice: by the law of nature hee who planteth a vineyard eateth of the fruit: by the ſame law hee who feedeth a flock eateth of the milke. If it bee ſaid, that almes are alſo to be giuen by the law of nature, for anſwere wee muſt obſerue this diſtinction betwene almes, and that thing for which the Apoſtle heere pleadeth. If almes be not giuen it is a breach of charitie: but if this bee denied, of which the Apoſtle ſpeaketh, it is a breach of iuſtice. For as it is iniuſtice to denie wages to him whom you appoint to fight for you, or to debarre a man from the fruit of that vineyard which he planteth, or to denie him the milke of a flock which he feedeth: ſo is it in like manner iniuſtice to denie the Miniſter that maintenance for which the Apoſtle pleadeth.

Now if it bee iniuſtice to denie the miniſters maintenance, then he hath a right and part in the goods of thoſe whom hee teacheth, for iuſtice giueth to euery man his owne, and not one mans right to another: whereby it is euident that the Miniſter hath a part and right in their goods whom he teacheth: Now to take this is not to take almes but to take his owne. So then by this reaſon almes are aſſuredly ouerthrowen, becauſe almes are not of duty and iuſtice to bee challenged, as theſe things are: there-

fore the Miniſters maintenance ſtandeth not by almes but by iuſtice; as the ſouldiers wages ſtand not by almes but by iuſtice; as by iuſtice not by almes a man may eate the fruit of a vineyard which he planteth, or of the milke of his flock. The ſame is confirmed by thoſe words, *The labourer is worthy of his wages*: No man ſaith, the begger is worthy of almes. Now he that ſaith, the labourer is worthy of his wages, ſayth that of iuſtice hee may challenge it, not beg it as almes; for in as much as it is wages it is due by iuſtice, but no almes are due by iuſtice, for ſo ſhould we take away all difference betweene iuſtice and charitie: therefore if almes, no wages: if wages, no almes.

Luke 10. 7. 1. Tim. 5. 8.

The ſecond opinion refuted

The ſecond opinion ſaith, not tithes, but a competent maintenance is due by Gods law, and this is vrged to be moſt agreeable to the Apoſtles times, the words are onely altered, otherwiſe this is the ſame with the former that ſaith, that tithes are meer almes; for this opinion bringeth in with it theſe conſequences: firſt, that tithes, as tithes, are almes; for he that denieth that they are to be payed of duty and iuſtice, proueth them almes: ſecondly, that miniſters may not claime any thing out of Gods word, and this alſo proueth almes. For he that ſaith to his pariſhoner, tithes I cannot claim, and therfore no certaine thing out of the word, yet ſomewhat in conſcience you ſhould contribute vnto me, what doth he elſe, but leaue it to the choiſe of him to giue what he liſt? and what is this but almes? If it be ſaid, the people may agree to giue a certaine ſtipend, yet this is no otherwiſe then as they may agree to giue almes. If any obiect that the Prince or Maieſtrate may appoynt a certaine competent maintenance, as this indeede is the common hold; I would haue it noted that they who vrge this, forſake the queſtion which they pretend to decide, for this opinion of a competent maintenance is holden as agreeable to the Apoſtles times: but when they referre the matter to Princes, this is no way agreeable to thoſe times. For it will neuer be proued that either then, or at any other time, princes did take order for this competent maintenance. Then

this

this fancy of a competent maintenaunce, wee reiect for theſe reaſons: firſt, it is not written or commaunded in any ſcripture, therefore we haue nothing to doe with it. Let them who maintaine it, ſhew ſcripture for it, and we yeeld. Secondly, it can not by any deduction be drawen from ſcripture, therefore it may not be receiued, for thoſe reaſons that are brought in to proue it, as that the Lord hath ordeined that they who preach the goſpell ſhould liue of the goſpell, and ſuch like: theſe I ſay, doe onely proue the ordinarie maintenaunce of the miniſtery, for they ſpeake of the Lords ordinance.

Now the ordinary maintenance of the Miniſters, is a perpetuall ordinance, which either hath alwayes beene vſed, or ought alwayes to be vſed in the Church. But certaine it is, that this competencie is not the ordinary maintenance. Thirdly, this competency was neuer in vſe from the beginning of the world to this day. Now it is abſurd to ſay that it is the ordinary maintenance of Miniſters, which neuer was in vſe in any age. Fourthly, it croſſeth the vſe of the Apoſtles times, becauſe this competency is at the ciuill maieſtrates appointment, that vſe was not, this muſt be gotten by compulſion, that was not, this is not almes in their opinion who maintaine it, that was. Of the Apoſtolike times, wee ſhall conſider in due place: now we reaſon thus. That which neuer was in vſe at any time in the Church, ought not to be held the ordinary maintenance for Miniſters: but this competent maintenance was neuer in vſe. For beefore the law, tithes were payed by the patriarks to the prieſts: vnder the law tithes were appoynted to the Leuites and Prieſts: in the Apoſtles times there was nothing but almes, as will appeare when we ſpeake of thoſe tymes. After the Apoſtles times, tithes were in vſe againe, this competency neuer had place in the Church. And euen there where tithes are taken away from the Church, and put in lay mens hands: yet there is no competencie eſtabliſhed to ſupply that which was taken away: the Scripture commands it not, no Prince hath at any time ordained it, it neuer

was, and therefore as we may well thinke neuer will be. Now to make the miniſters ordinary maintenance (for that is it we ſeeke heere) to ſtand in ſuch a thing as neuer was, and by likelihood neuer will be, ſeemeth much vnreaſonable, and therfore becauſe it ſtandeth with much better reaſon to denie this opinion, then to hold all the abſurdities depending vpon it, following the beſt reaſon we thinke it neceſſary to hold, that the ordinary maintenance of Miniſters ought not to ſtand in this vncertaine competency, which is onely a deuiſe in the braines of ſome men, and neuer came into practiſe in the Church.

Againe the Miniſters maintenance muſt be and is generally acknowledged a morall conſtitution, but that this competency is no morall conſtitution it appeareth, becauſe euery morall duty ought alwaies to be done, and ſometimes hath ben done by the godly; but this competency ought not alwaies to ſtand, and will hardly be proued to haue ben done at any time, therefore ſurely not morall. Now in tithes it is far otherwiſe for we will ſhew, they ought alwaies to bee obſerued, and euen then when they were not payed, yet ſtood they alwaies the ordinary maintenance. Moreouer to maintaine miniſters is a ſeruice of God, but all the parts of the ſeruice of God are deliuered in the word, therefore this competency muſt either be ſhewed out of Gods word, or taken for mans ordinance, and not Gods. Further in this competencie many, I take it, are deceiued, for euery man will take vpon him to define a competent maintenance: and that they call competent, which they thinke (as men deuiding their almes) may ſuffice a miniſter. But the ſcriptures ſpeaking much of this maintenance, doe neuer tearme it a competency, or that which ſparing men in their ſauing humour may call ſufficient; but an honourable maintenance, and ſometimes double honour. Now there would be found a great difference between that which the ſcriptures cals an honorable maintenance, and that which men diſtributing their almes do commonly account ſufficient. Then this competency muſt either be ordained of God,

or

or by man: if by God, it is tithes, for no other maintenance ordained by God can be ſhewed: if by man, then it is not Gods ordinance; now we ſeeke Gods ordinance, what God hath ordeined for miniſters, not what man appointeth.

If any man ſay, it may be mans ordinance, and yet allowed by God, or that God ordaineth the generall, but man appointeth the particular manner: we muſt intreat him to ſhew vs where God alloweth man either to make ſuch an ordinance, or to change the parliculer which God hath ordained, ſeeing the Lord himſelfe hath once ordained a maintenance, that muſt ſtand, vntill it can bee ſhewed that God hath giuen liberty to man to change it.

Heere it muſt bee well remembred, that to maintaine miniſters is a part of the worſhip of God, for thus *Iacob* did worſhip God. *Gen.* 28 22. And therefore if the maintenance be withdrawen, God is robbed ſaith *Malach.* 3 8. God is mocked ſath *Paul Gal.* 6 7. for of Gods ordinaunces ſome are ciuill and doe not immediately touch the worſhip of God: ſome are holy, which touch the worſhip of God immediately: when we ſpeake of this ordinance, it may not be confounded with ciuill ordinances, for Maieſtrates are Gods ordinance, but ciuil: in ſuch ciuill ordinances, the particular manner thereof is left to man. But in Gods holy ordinances, ſuch I ſay as belong to the immediate worſhip of God, it is otherwiſe: for in ſuch things mans inuentions haue no place, then they who ſay the generall ordinance is Gods, but the particular manner thereof may be from man, do by conſequence hold the Miniſters maintenance to be a ciuill ordinance, not holy, which opinion I ſuppoſe no man of knowledge and learning will defend. But if we once leaue this opinion, and confeſſe directly that the Miniſters maintenance is no ciuill ordinance, but holy, belonging to the morall immediate worſhip of God, then muſt it needes follow that man hath no authoritie therein, to inuent or deuiſe any particular manner, but muſt take it as it is appointed by God. Then if it muſt be graunted, that one

of

of these three is Gods ordinance, almes, this competency, or tithes: It is certaine, first that almes in this point, and for this vse are not ordained by God: it is no lesse certaine that this competencie is not Gods ordinance, because God no where appointeth it, the Church neuer vsed it: where vpon it followeth that for the maintenance of the ministery, there is no other ordinance, then tithes.

## CHAP. II.

### *How Tithes stood before the Law.*

OR the better satisfaction to the reader, and seruice to the truth, the labour would not seeme vnprofitable, if wee drew as it were the story of this question along from the beginning to this time, which thing cannot be done exactly, because this matter is not remembred exactly by the auncients, and wee must not so much stand vpon narration, as vpon disputation: but out of such remembrances as I could light on, I thought good to obserue how men of all ages haue thought of this point, that when it appeareth that the opinions which I reiect are altogether new, and without any testimonie or shew of antiquitie, men may be intreated more indifferently to think of the matter, at least I may seeme not vnworthie of pardon, if I erre in this point, when it shall be seene that I follow not onely the reasons which seeme best, but all antiquity, none contradicting till of late yeeres. For orders sake we wil first consider how this stood before the law, then how vnder the Law, afterward how in the Apostles times, and somewhat after. Last of all, how in the time of the fathers.

Before

Before the law was giuen, we finde tithes vſed by the Godly, as a part of Gods ſeruice. Firſt, we will ſhew that by the law of nature, euery man was bound to giue ſomething to God, of thoſe temporall bleſſings which God giueth, then it ſhall appeare that this (ſomewhat) was turned into tithes.

Gen. 4. It is thus written. *Cain* brought an oblation to the Lord, of the fruit of the ground. *Abel* alſo brought of the firſtlings of his ſheepe, and of the fat of them, and the Lord had reſpect to *Abel*, and his offering, but vnto *Cain* & to his offring he had no regard. It is expreſly noted in the text, that *Abel* offered the beſt of his flock, *de primogenitis, & pinguiſſimis*, the firſt, faireſt, and fatteſt, which ſhewed the ſinceritie of his heart. In *Cain* no ſuch thing is noted, but the contrary vnderſtood, whether *Cain* did offer the tenth of the profit of his ground, and *Abel* the tenth of his ſheepe, that queſtion I moue not heere, there is nothing expreſly eyther for it, or againſt it: but out of theſe words this I obſerue. Firſt, that to offer to God of ſuch goods as God doth bleſſe men withall, was from the beginning accounted a part of the ſeruice of God, for *Cain* and *Abel* both offered, knowing it was looked for at their hands. Secondly, it is hence manifeſt that they who offer their goods to God, may not offer the worſt, and ſerue God like S. *Antony* his pig, with that which they make leaſt account of: but they who ſeruе not God with the beſt of their goods, are found to be followers of *Cain*. Gen. 4. 3. 4 5

Thirdly, it appeareth alſo, that if there were not, neither euer had beene any miniſterie ordained, yet notwithſtanding men ſhould haue ſtood bound to offer of the beſt of their goods to God, for this offering ſeemeth to haue beene, before a miniſtery was eſtabliſhed. If any ſhall contend heerein, that theſe offerings were not tithes, I ſtriue not, though with faire probabilitie I might, but thus much appeareth: that by the law of nature preſently after the creation, men did thinke in conſcience themſelues bound to giue the beſt of their goods to God, as

knowing that this was the will of God. It is likewiſe to be noted that God who from the beginning, as heere we ſee, hath a right in euery mans goods, may diſpoſe his owne right as it beſt pleaſeth him: but in diſpoſing this his right to his miniſters, hee diſpoſeth and giueth it by the name of tithes. And this is that right which we ſeeke out, not what man beſtoweth, but what God giueth to his Church out of his owne right, which right of the Lord in euery mans goods, is declared heere in the beginning, and the ſame right of the Lord in euery mans goods remaineth vnto the end of the world.

This right which the Lord hath in euery mans goods, himſelfe nameth tithes, and who knoweth it better then he? When a man would offer this right to God, who knoweth how to offer him his owne? who knoweth how to keepe ſuch a rule in this action, as to aſſure himſelfe that the thing which he offereth is the Lords part, as being neither more nor leſſe then that which God hath manifeſted to be his owne part. It followeth therefore that in offering to God this right, men muſt either offer tithes or elſe what themſelues liſt, not what God preſcribeth. Now theſe offerings whatſoeuer they were, were offered as tithes, and whoſoeuer offered in this ſort afterward, offered tithes, becauſe God had manifeſted that the right which from the beginning he hath in euery mans goods, is tithes. And therefore as ſoone as it can bee ſhewed that ther was a Prieſt, then will it alſo appeare that tithes were payed vnto the Prieſt of the Lord.

Now in the 14. of *Gen.* there is expreſſe mention of the Prieſt of the moſt high God, and withall expreſſe mention of tithes payed vnto him: the words are theſe,

Gen. 14. 18. *And Melchiſedech king of Salem brought foorth bread and wine, and hee was a Prieſt of the moſt high God, and hee bleſſed Abraham &c. And Abraham gaue him tithes of all.*

And vnto theſe words that which the Apoſtle obſerueth *Heb. 7.* where he proueth two things: firſt the greatneſſe of Chriſts prieſthood aboue the Leuiticall; this hee proueth becauſe *Melchiſedech* did bleſſe *Abraham*, for without

out all doubt the leſſe is bleſſed of the greater: Then he proueth not onely the greatneſſe, but the perpetuall and vnchaungeable eſtate of Chriſts prieſthood, wherein it differed alſo from the prieſthood of *Leuy*. This he proueth in *Melchiſedech*, and by him in Chriſt, becauſe *Leuy* in *Abraham*, payed tithes to Chriſt in *Melchiſedech*, for (ſaith the Apoſtle) *heere men that die receiue tithes, but there hee receiueth them of whom it is witneſſed that hee liueth.* Out of theſe words wee draw theſe obſeruations. Firſt, that vnder the law of nature, tithes were to bee payed to the prieſt of the moſt high God, for theſe things are expreſſy deliuered that *Melchiſedech* was prieſt of the moſt high God, & that *Abraham* gaue him tithes of all. Secondly, that this practiſe of the patriarks is commended by the Apoſtle in the new Teſtament, which ſheweth that is no wil-worſhip deuiſed by them, but warranted from God, therefore we conclude, it was vndoubtedly ordained by God, albeit the time and firſt inſtitution hereof be not exactly declared, yet that it was ordained of God it appeareth aſwell by that which we haue ſaid, becauſe that right which from the beginning God hath in euery mans goods, is declared by the practiſe of the patriarks to be tithes: as alſo becauſe Leuit. 27 it is ſaid, tithes are the Lords, holy to the Lord, which words are not Leuiticall or ceremoniall, as hereafter ſhall appeare, but declare, that tithes were the Lords alwaies, and that the Lord euen from the beginning hath thus declared what part he hath in euery mans goods. And vpon this ground and reaſon the patriarks payed tithes before the law. Thirdly, we note that ordinarily the prieſthood (before the law giuen) was annexed to the eldeſt of the houſe, the firſt borne, as here to *Melchiſedech*, which is thought to be *Sem*, the eldeſt ſonne of *Noah*, as *Lyra* noteth, and the yeares agree: For *Sem* being an hundred yeares old, begat *Arphaxad*, two yeares after the floud, and liued after that, 500. yeares. *Gen.* 11. 11. the end of which 500. yeares, falleth in the 50. yeare of *Iſaac* his age, ten yeares before the birth of *Iacob* and

Verſe. 7.

Verſe. 8.

*Eſau.* The Lord afterward tooke the Leuites to his ſeruice, in place of the firſt borne. *Num.* 8. 16. this ordinary courſe was ſometimes broken, and the birth right went from the eldeſt to another, yet thus much was alwayes without chaunge, the Prieſthood did follow the birth right, and tithes the prieſthood.

Fourthly, *Leuy* payeth tithes in *Abraham*, whereby it appeareth that to pay tithes is not a ceremonie, for if it were, then ſhould not *Leuy* be noted heere for paying tithes, that thing cannot be a Leuiticall ceremonie, which is contrary to the Leuiticall ordinances: but that *Leuy* ſhould pay tithes is contrary to the Leuitical ordinances, which ordaine that tithes ſhould be payed to *Leuy*. Now becauſe it is againſt the ceremonies of the law, that *Leuy* ſhould pay tithes, therefore when *Leuy* payeth tithes, he payeth them not as a ceremony of the law.

Fiftly, we obſerue that before the law tithes were paied to Chriſt, ſo ſaith the Apoſtle, *Heb.* 7. 8. *Heere men that die receiue tithes, but there he receiueth them, of whom it is witneſſed that he liued.* In which words the Apoſtle proueth, that in *Melchiſedech* Chriſt receiued tithes. Now if tithes were payed to Chriſt before the Law, what reaſon may be brought why they ſhould not likewiſe be payed vnto Chriſt after the law ceaſed. Againe, tithes payed to *Melchiſedech* are here brought by the Apoſtle, as a reaſon to proue the perpetuitie of Chriſts prieſthood, therefore tithes muſt be payed as long as Chriſts prieſthood ſtandeth.

Let the reaſon of the Apoſtle be conſidered: *men that die receiue tithes heere*, the Leuiticall tithes are but for a time, but when *Leuy* himſelfe payeth tithes (as before the law it was, and after the law it muſt be) then are they giuen to him of whom it is witneſſed that he liueth. Then from theſe words of the Apoſtle there is a difference obſerued, betweene tithes as payed to *Leuy*, and as to Chriſt: as to *Leuy* they ſtood for *Leuy* his time, but tithes die not with *Leuy*: for they are ſtill to be payed to him of whom it is witneſſed that he liueth.

Sixtly,

Sixtly, hence we vnderſtand the manner and reaſon of paying tithes to *Leuy*, for tithes are the Lords, as a right in euery mans goods from the beginning to the end of the world. All tithes are the Lords, holy to the Lord, *Leuit.* 27. 30. he gaue them for a time to *Leuy*, ſo long as *Leuy* ſhould ſerue the tabernacle and no longer, when *Leuy* ceaſed to miniſter at the Alter then tithes ceaſed to be due to *Leuy*, but tithes then ceaſed not to be the Lords, for as they were his before the law, ſo they ſtand his for euer; becauſe the Lord can neuer looſe that right which at the beginning he had in the goods of euery man.

Seauenthly, whereas a queſtion may be moued, whether the tithes which *Abraham* is ſaid heere to pay to *Melchiſedech*, were tithes of the ſpoiles (as ſome thinke they were) or of his owne goods: I thinke the opinion and reaſon of the moſt iudicious interpretor is heere to be followed, that *Abraham* payed tithes, not of the ſpoiles, but of his owne goods, becauſe *Abraham* would not practiſe his liberalitie of other mens goods, but of his owne. And in the text it is ſaid, that *Abraham* had lift vp his hand to the moſt high God poſſeſſor of heauen and earth, that hee would not take ſo much as a thread or a ſhoe latchet of that which was taken, which he yeelded to the king of Sodom, prouiding onely to *Aner*, *Eſcol*, and *Mamre* their portions. It is then more then probable that he payed no tithes of the ſpoiles, ſeeing he would not account any part thereof his owne. Iohn Caluin.

Eightly, if *Abraham* payed tithes to *Melchiſedech* of his owne goods, the queſtion may be moued, whether he payed them yeerely or no? To which queſtion in direct words we haue no aunſwere, and therefore wee may bee content to be ignorant where the ſcripture teacheth not, but in probabilitie it ſeemeth hee payed yeerely, becauſe they were yeerely payed vnder the law; for tithes were not firſt inſtituted to be payed vnder the law, but before, and the ſame reaſon was before, which was vnder the law, for the prieſt, to whom (as *Lyra* ſpeaking from theſe ſcriptures, ſaith tithes were due before the law) was no

leſſe yeerely to bee honoured then afterwards; and they who liued before the law had as much reaſon to ſhew their gratitude and obedience to God, as afterward. Neither could the diſtance of place be any hinderance in this matter, for *Abraham* dwelt at *Hebron* ouer against *Sodom*, and *Melchiſedech* at *Salem*, which in the iudgement of *Ioſephus* is Hieruſalem, both in the tribe of *Iuda*, not far a ſunder.

Ninthly, whereas againſt this, it may be obiected out of the words of the Apoſtle, *Heb.* 7. 4. that *Abraham* gaue to *Melchiſedech* tithes of the ſpoyles, for anſwere we muſt call that tranſlation in ſome queſtion which tranſlateth ἀκροθινιῶν ſpoyles, ſome learned men of late tranſlate it ſo, but it was not ſo vnderſtood in former times. *Ierom.* tranſlateth it, *de præcipuis*, If it might be plainely ſhewed, that the word in the vſe of good authors is taken for ſpoyles, then we might make leſſe queſtion heere. In the meane time we may doubt. It is commonly taken of the autors of the Greeke tongue for *primitiæ*, and ſometimes *pro primitijs manubiarum*, but ſimply for ſpoyles, not that we know, the *Seriac* tranſlation taking the word in his vſuall ſenſe, hath thus: To whom the patriarch *Abraham* gaue tithes and firſt fruits. *Iſidorus* ſaith, *Abraham decimas ſubſtantiæ poſt benedictionem dedit Melchiſedech, ſicut ſacerdotibus benedicentibus ſibi populus ſecundũ legem decimas dabat. Lyra* ſaith, *Abraham dedit decimas ipſi Melchiſedech cui debebantur tanquam ſacerdoti.*

Tenthly, admit (laſt of all) that *Abraham* gaue tithes of the ſpoyles (which thing we cannot yeald without better proofes then we haue yet ſeene) this is ſo far from croſsing the right of tithes, that rather it confirmeth all more fully, for if *Abraham* gaue tithes of the ſpoyles, much more then of his owne goods, the whole courſe of the Apoſtle his ſpeach proueth no leſſe, for how can any mans conceit be ſatisfied with the tithes of the ſpoyles onely, conſidering the Apoſtle ſpeaketh ſo much of *Abraham* his paying tithes, inſiſting ſo long in it, drawing an argument of ſuch weight from it: he whoſe kindred

is not counted among them, receiued tithes of *Abraham*, *ver. 6. heere men that die receiue tithes, but ther he receiueth them of whom &c. ver. 8. Leuy also which receiueth tithes, payed tithes in Abraham, ver. 9.* If there were no other tithes giuen by *Abraham* to *Melchisedech*, but of those spoyles onely, why is this compared with Liuiticall tithes, which were payed yeerely? would the Apostle vse this manner of speech of one onely action, vnlesse it shewed the common vse and practise how tithes were then payed to the priest, as by common vse and practise they were afterward payed to the Leuites. By this then it appeareth out of the story of *Melchisedech* that tithes were, and are to be payed to Christ alwayes, aswell after as before the law.

Let vs consider the next testimony we finde in storie before the law: the next is *Gen. 28.* where *Iacob* voweth to pay tithes of all that God will giue him, the wordes are these: *Then Iacob vowed a vow, saying, If God will keepe me in this iourney which I goe, and will giue mee bread to eate, and clothes to put on, so that I come againe to my fathers house in safety, then shall the Lord be my God. And this stone which I haue set vp as a piller, shall be Gods house: and of all that which thou shalt giue me, I will giue the tenth to thee.* Gen. 28. 20. 21. 22.

Out of these words it appeareth that it was the generall opinion of the godly before the law giuen, that tithes ought to be giuen to God, for otherwise *Iacob* did offend, vnlesse he knew that this thing pleased God, as being appointed by him.

But because *Abulensis* out of this place would proue tithes not to belong to the law of nature, that matter would be examined: his reason is, because *Iacob* vowed tithes; now a vow, saith hee, is not of those things which belong to the law of nature. But *Abulensis* himselfe perceiuing that this proposition is not true generally, frameth an obiection against himselfe, that by remouing the obiection he might the better settle that which he taketh to be the truth: his obiection is, that a man may vow that which belongeth to the law of nature; as not to commit adultry,

adultry, which obiection he anſwereth thus: a man may not vow ſuch things with condition, but abſolutely. Now ſaith he, *Iacob* vowed tithes with condition, therefore they are not ſuch things as are contained in the law of nature. *Bellarmins* words are much more peremptorie: *impium fuiſſet vouere decimas, ſi abſolutè fuiſſet obligatus eas ſoluere.* These words indeed being examined by the popiſh doctrine of vowes, may ſtand as a glos fit enough for a corrupt text, but being examined by the truth of God, they ſhall finde no place to ſtand in. First, where *Abulenſis* ſaith, a man may not vow a thing belonging to the law of nature conditionally, it appeareth to be falſe, becauſe as himſelfe yeeldeth, a man may vow not to commit adultery, ſo he muſt yeeld that a man may likewiſe vow to honour his parents, if God will prolong their liues, this is conditionall and no leſſe lawfull then the other, and he that maketh it, can keepe it onely conditionally, ſo long as God will ſuffer his parents to liue, if they dye, he is freed from the poſſibilitie of performing his vow: ſo he that voweth tithes, can vow them no other way, but conditionally, if God will bleſſe him with goods, as *Iacob* doth, for if he haue nothing, he is freed from the poſſibilitie of performing his vow. Other obiections of *Abulenſis* ſhall be anſwered in their place.

To. 1. Con. 5. lib. 1. ca. 25.

Though the obiection be anſweared, yet ſomewhat may happely ſtick in the minde of the reader, and we as ſeeking a truth, would caſt all obiections without fauouring, for I proteſt, I haue ſo captiued my ſences to the truth, that againſt the knowen truth I dare not ſtirre, therefore I will freely open what I can. To that obiection, that no morall thing may be vowed, becauſe we are bound without a vow to performe ſuch things: this anſwere may ſtand, that albeit we be bound without a vow to ſuch things, yet it is lawfull to vow them, that we may be ſtirred vp with more exact care and zeale to ſuch duties, as not onely God hath bound vs, but we alſo binde our ſelues. Now that it is lawfull to binde our ſelues to thoſe duties, whereto God bindeth vs, it appeareth by

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the commended practise of the godly at all times. The people were bound to serue the Lord in the time of *Asa*, no lesse then at other times, yet they made a couenant and sware to serue the Lord, 2. *Chron.* 15.12.14. *Dauid* was bound without an oath or vow, to keepe the righteous iudgements of the Lord, yet he bound himselfe by an oath: *I haue sworne and will performe it, to keepe thy righteous iudgements. Psal.* 119.106. And whereas *Dauid* speaketh so often of paying his vowes vnto the Lord, the thing vowed and to be payed is morall. *Psal* 50.14. *Offer to God praise, and pay thy vowes to the most high. Psal.* 56.12. *Thy vowes are vpon mee, O God, I will render praise to thee, for thou hast deliuered my soul from death, &c.* And albeit things ceremoniall might be vowed vnder the law, yet no otherwise but as they drew to some morall duetie. And therefore when the people in vowing things ceremoniall did so stick in the ceremonie, that they looked no farther, then are such vowes reproued, and they are taught, that the vowes which please God, are obedience, a contrite heart, and such like. This which I haue said will answere another obiection. If tithes were alwaies the Lordes, wee cannot vow them, for a vow must bee of a thing that is ours. *Iacob* then vowing tithes, sheweth that they were not alwaies the Lords, the answere is plaine out of that which hath bene said. It is lawfull to vow vnto the Lord that which is not ours, but his. For what thing is more the Lords, and lesse ours, then our obedience, yet we vow it, binding our selues by a new promise to that whereunto the Lord hath bound vs by dutie. And therfore as *Dauid* did vow to performe that obedience to God, which otherwise he was bound to doe without a vow: so *Iacob* doth heere vow to pay tithes, though tithes be the Lords right, when this obedience commeth from a willing minde, it is acceptable: now a vow serueth to shew a resolued and willing minde. Hauing done with the obiections against this place, let vs gather hence such obseruations as may confirme our purpose.

Firſt, it is euident hence, that *Iacob* did not account tithes any part of the iudicials, becauſe no part of the iudicials were to be offered in a vow to the Lord, but eyther things morall were vowed, or ceremoniall as they lead men to morall obedience. The reaſon is, vowes were a part of Gods ſeruice, and iudicials belonged not to the ſeruice of God, but were of things common, and for the ciuill gouernment of men.

Secondly, it muſt be conſidered that the thing wherein *Iacobs* vow ſtandeth principally, is in theſe words, *this ſtone which I haue ſet vp as a pillar, ſhall be Gods houſe.* Some interpretours take this to be the place where *Abraham* offered *Iſaac*. *Lyra* ſaith, that all interpretours take it generally for that place where Ieruſalem ſtood afterward. *Iacob* ſaying it ſhould be the houſe of God, ſignifieth it ſhould be as a temple where God ſhould be worſhipped, now vnto the houſe of God he ioyneth tithes.

Thirdly, if therefore the queſtion be mooued, in what ſort theſe tithes were payed which are heere vowed, whether as things giuen immediately to God, as were ſacrifices, or vowed to God, that is to the prieſt of the moſt high God? I would gladly learne of other in ſuch queſtions, but in the meane time, vntill I can learne a better anſwere, I thinke it beſt to vnderſtand the manner of *Iacobs* paying tithes, by the practiſe of his grandfather *Abraham*, who payed them to the prieſt of the moſt high God. And therefore *Iacob* after that example vowing to pay tithes, may beſt be vnderſtood to pay them to the prieſt.

Thus far hauing ſpoken of the time before the law, ſo far foorth as ſcipture ſpeaketh of tithes: before we come to the time vnder the law, let vs conſider how heathen men, hauing not the knowledge of the law of God, but onely directed by a glimps of the light of nature, did iudge that tithes were to be payed to ſuch gods as they worſhipped, wherein howſoeuer they were corrupt, yet in that corruption may be ſeene ſome ſparks of the light of nature before the law. I will not bring all, but onely

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of many testimonies will shew a few, wherby a man may iudge of the rest, and vnderstand how this question hath beene conceiued euen among the heathen.

*Cyrus* king of Persia when he had ouercome the Lydians, offered the tithes of all to *Iupiter*. Among the Romans the custome was ancient of offering tithes to their gods. *Camillus* vowed tithes to the goddesse called *Mater Matuta*, in case hee should ouercome the *Veians*. After the victory in lew of the tenth a cup of Gold was sent to *Delphi*, weighing eight talents, as *Plutarch* witnesseth in the same place. It is reported of *Lucullus* that hee grew rich because he obserued the vse of paying tithes to *Hercules*. For that this was an ancient custome among the Romanes, *Macrobius* proueth out of *Varro*, who writeth that it was the common custome among the anucients, *vouere decimam Herculi*. *Diodorus Siculus* opening the reason of that custome saith, that when *Hercules* was friendly entertained by *Potitius* & *Pinarius*, he promised a happie life to such as should offer him the tithes of all their goods, which practise he saith remained in Rome till his time, *multi enim Romanorum non solũ medio cui sensu, sed qui ditissimi sunt habiti, decimas Herculi vouerunt, posteaq; fortunatiores facti bona sua ad quatuor talentorum millia Herculi sacrarunt*. In which place hee reporteth the same of *Lucullus*, which after him *Plutarch* obserued. *Xenophon* witnesseth that others vsed to pay tithes to *Apollo*. Neither was this thing obserued onely among the ciuill nations, but euen so far as the sence of manhoode reached it was spread also among the barbarous people. *Plinie* writing of the *Sabeans* and *Æthiopians*, saith that in the spices, which those countries yeeld abundantly, the marchants may not meddle with any, before the Priests haue laid out the tenth to their gods. And (which one generall testimony may stand in place of many particulars) *Festus* saith: *Decima quaque veteres diis suis offerebant*. Which vse being so generall among all nations, doth shew, that euen from *Noah* it was dispersed among all people; though much corrupt in them, yet bearing in it selfe euident

Herodot. Clio.

Plutarc. Camil.

Plut. Lucullo.

Lib. Saturn. 3. cap 42.

Biblith. lib. 5. cap. 2.

ἑλλην. 3.

Hist. nat. lib 12. cap. 14. & 19.

dent signes that it came from the incorrupt light of nature before the law giuen. For what other reason can be giuen why such an apparant resemblance of Gods truth, should bee kept and dispersed so far among all nations? And heereupon, I take it *Franciscus Iunius* departing from the iudgement of other learned men whom otherwise he reuerenceth, vvas moued to say thus much, *decimæ iure omni post hominum memoriam deo fuerunt sacræ.* What is that, *iure omni?* but aswell vvritten in the consciences of naturall men, fortified by priuiledges of princes, as expressely declared in the word of God. Thus hauing declared so far as wee can learne, how tithes stood before the law, let vs consider the same in the time of the law.

CHAP.

# CHAP. III.

*How tithes ſtood vnder the Law. Where it is prooued that then this conſtitution of Tithes was neither ceremoniall nor iudiciall, but morall.*

THis being firſt out of controuerſie, that during all that time betweene the law firſt giuen, and laſt abrogated, tithes were to be payed to the Leuits by the commandement of God: the firſt queſtion may bee, whether tithes had their firſt inſtitution and beginning in the law. Wee aunſwere ſhortly, tithes were not firſt inſtituted in the lavv, but long before, euen from the beginning. What then was inſtituted in the lavv? all that vvhich concerning tithes was inſtituted in the law, was that tithes ſhould bee aſsigned to the Leuites ſo long as they ſerued the Tabernacle: this will appeare if wee conſider the firſt and moſt principall places, wherin tithes are mentioned in the law. The firſt is *Leuit.* 27. the words are theſe. *All tithes of the land both of the ſeede of the ground, and of the fruit of the trees is the Lords: it is holy vnto the Lord. Euery tithe of bullocke and ſheepe, &c.* This is the firſt place that ſpeaketh of tithes: in which words there is neither inſtitution nor aſsignation, but a ſimple declaration of the Lords right. And heereunto the next place, *Behold I haue giuen the children of Leuy all the tenth of Iſraell for an inheritance, for their ſeruice which they ſerue in the Tabernacle* Leuit. 27. 30. Num. 18. 21.

*of the Congregation.* Theſe two places are firſt in order, and principall vnto which wee muſt refer all that which in the law is ſpoken of tithes: the firſt teſtimonie declareth the Lords right, the ſecond ſheweth that out of his owne right the Lord aſsigneth them to *Leuy*, *I haue giuen them to the children of Leuy*. It containeth the end, and condition of the aſsignation, for the Lord aſsigneth tithes to *Leuy* onely for the time of their ſeruice at the Tabernacle, *for their ſeruice which they ſerue, &c.*

By this we may diſtinguiſh what is leuiticall, and what is perpetuall in tithes. This propoſition, all tithes are the Lords, is no way leuiticall, but containeth a perpetuall truth. That which is leuiticall in this point, ſtandeth in two things, which we may call the leuiticall aſsignation, and the leuiticall inſtitution of tithes; for theſe wordes, *I giue all tithes to the Leuites, for the ſeruice which they ſerue at the Tabernacle*, doe containe the aſsignation of tithes, for all tithes being the Lords, he doth heere aſsigne them ouer to the Leuites for a time, during the ſeruice of the Tabernacle. This aſsignation we graunt to bee leuiticall, and to indure onely ſo long as *Leuy* ſhall ſerue at the tabernacle, that ſeruice once ended, tithes ſhall no more be *Leuy* his right, but tithes ſhall be the Lords.

The Leuiticall inſtitution of tithes, is contayned in the commandements of paying tithes to *Leuy*, as where it is ſaid, thou ſhalt bring thy tithes to the Leuites, the Leuite thou ſhalt not forſake &c. Where we ſee the commandement for paying tithes to *Leuy* preſuppoſeth the Leuiticall aſsignation, the aſsignation preſuppoſeth the perpetuall right of tithes to belong to the Lord. If theſe grounds were graunted, the queſtion were at an end, but becauſe there will be queſtion made of theſe groundes, let them be examined, to trye whether they be ſufficient to hould vp that building which is to be laid vpon them.

The firſt is this, that this propoſition, all tithes are the Lords, holy to the Lord: is not Leuiticall, this will thus appeare. If all tithes were the Lords, holy to him before the leuiticall miniſtery inſtituted, then they are

not

not leuiticall: but it is true and certaine that all tithes were the Lords before the inſtitution of the Leuiticall miniſtery: therefore certainely they are not Leuiticall, the propoſition is euident, for that cannot be called Leuiticall, which was before the inſtitution of the Leuiticall order, the aſſumption is no leſſe true, becauſe tithes were the Lords, holy to him aſwell before as vnder the law, for if the Lord hath alwayes a right in euery mans goods, if this right was declared to be tithes, by the practiſe of the patriarks, if that practiſe doth ſhew that euen then in their times tithes were the Lords, holy to him: it muſt needes be confeſſed that tithes were the Lords before the leuiticall conſtitutions. Now in that by the godly patriarks tithes were payed to the Lord, is confirmed that tithes were alwayes the Lords, and by that which heere is ſaid, all tithes are the Lords, is declared by what warrant the patriarks payed tithes, this is ſufficient to proue, that tithes were not inſtituted firſt in the law. It may be obiected, that albeit tithes be not leuiticall, as being in vſe long before the leuiticall order, yet they may be ceremoniall, for ſome ceremonies were in vſe before the leuiticall ceremonies, to this reſeruing a farther aunſwere till anon, firſt, we ſay that tithes are ceremoniall no otherwiſe, then as they are leuiticall, and this I ſuppoſe, that men which attend to this queſtion will not denie mee: If there be any ceremonie in tithes, it is a leuiticall ceremony. This thing is graunted by *Abulenſis*, and all that haue carried this queſtion againſt vs, and the common voyce againſt vs is, that tithes are leuiticall ceremonies. I aske no more, the reſt will follow, for if tithes, haue no other ceremonie then that which is a leuiticall ceremonie, then before the leuiticall order inſtituted, tithes had no ceremonie in them at all: and after that order abrogated, tithes remaining ſtill, haue in them no ceremonie.

Now thus much we willingly yeeld, that all ceremonies may not properly be called leuiticall, as ſacrificing, and the ceremonies that were in vſe before the leuiticall order, but thoſe ceremonies which were ordained with

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and for the leuiticall order (as many were) may properly be called leuiticall ceremonies, ſo that if tithes haue no ceremonie but leuiticall, ſurely then before the Leuites, they had no ceremonie at all, to cleare theſe things the better, leauing no doubt vntouched, let vs compare tithes and ſacrifices together, whereby it may appeare what is the difference betweene tithes, and ſuch ceremonies as were in vſe before the law.

Sacrifices were in vſe before the law, and in the law certaine particular ordinaunces for the manner of ſacrificing are commaunded, thoſe particular ordinaunces may be called leuiticall, but ſacrificing it ſelfe is not: ſo tithes were in vſe before the law, and certaine particular ordinances of paying tithes to the Leuites commanded in the law, which particular conſtitutions we call leuiticall. Thus far ſacrifices and tithes agree: heere it will be obiected that tithes were ceremonies before the law, aſwell as ſacrifices. The anſwere is in marking the true differences betweene ſacrifices and tithes, which differences will ſhew the one to be a ceremonie, the other none. The differences are firſt in the propertie, ſecondly, in the end of both: Firſt, the proprietie of ſacrifices and tithes conſidered, this difference appeareth between them: the proprietie and right in tithes, is alwayes the Lords, and not mans. Now albeit ſacrifices are then the Lords, when they are once offered to him, yet till that time man hath the proprietie and right in the thing which he ſacrificeth, but in tithes man hath no right, becauſe all tithes are the lords. Then in ſacrificing man ſanctifieth of his owne to God, which before offering is his owne, and if he ſhould not offer it, remaineth his owne ſtill: but in paying tithes man giueth nothing of his owne to God, but onely rendreth to God that which alwaies was his right: in not ſacrificing godlynes is violated, in not paying tithes not onely godlines is broken, but iuſtice alſo. Now a ceremonie ſtandeth not in paying to God that which is his, but in giuing to God that which is thine owne. For example, if thou giue to God, honour, praiſe, and glorie: here is no

ceremonie,

ceremonie, thou giueſt to him that which was euer his right: but when men by carnall rites did make ſigne to God of their faith and obedience, then they gaue him that which was their owne in ſignification of other things.

The ſecond difference is, in the end of both, the end of ſacrificing was to ſignifie the great ſacrifice vpon the croſſe for the ſins of the world, & therfore it was a ceremonie, becauſe it was a carnall type of that holy ſacrifice, therefore to remaine onely vntill that ſacrifice be exhibited. And in a word, the end of all ceremonies was to ſignifie ſomething, but the end of tithes, is the honour or maintenance of the miniſtery at all times. I ſay, not onely the honor of the Leuites, but of the miniſters of Chriſt alwayes, and therefore to remaine ſo long as that miniſterie ſhall ſtand. And that this was the true end thereof, it appeareth.

Firſt, becauſe tithes were payed to the prieſts before the law. Secondly, becauſe they were particularly aſſigned to the prieſts and Leuites vnder the law. Thirdly, becauſe by the fathers ſucceeding the Apoſtles, (as heereafter it ſhall bee opened) they were challenged to the Church, as Gods ordinance, for the maintenance of the miniſtery, and by the conſent of all Chriſtians yeelded ſo. If this be not the end of tithes, let any man ſhew and proue to vs another end of them: if this be their end, euen an honourable maintenance of the miniſtery, then certainely tithes are no ceremonies, becauſe the end of a ceremonie is onely to ſignifie ſomething, and it hath no other end or vſe, whereby as we haue the apparant differences betweene tithes and ſacrifices, ſhewing plainly the one to be ceremoniall, the other not: ſo we haue this truth no leſſe cleared, that this propoſition, all tithes are the Lords, containeth no leuiticall ceremonie, but a perpetuall truth.

For the farther manifeſtation of this point, it muſt be conſidered, that vpon this ground (al tithes are the Lords) the leuiticall aſſignation reſteth, for whereas firſt the Lord maketh it manifeſt, that all tithes are his, and afterward

ward aſſigneth them to *Leuy*, it is declared that heerein he doth wrong no man, for he giueth that to *Leuy*, which by peculiar right and proprietie is his owne, no man hath right or proprietie in the tithes of his owne goods, but as euery man hath a proprietie in the reſt of his goods, ſo hath the Lord in tithes. Then this right which the Lord hath in tithes, none can challenge from him, for otherwiſe ſome man might thus ſurmiſe, I am wronged if my goods be taken from me and giuen to *Leuy*. In theſe words there is a ſecret anſwere to all ſuch ſurmiſes, tithes are none of thy goods, thou haſt no right in them at all, all tithes are the Lords. And that this is the true meaning of theſe words, it may appeare, if we compare them with other places which ſoũd like this, but cannot thus be expounded. It is ſaid that, *all the beaſts of the forreſt are the Lords, and the cattell vpon a thouſand hils. Pſal.* 50. *the earth is the Lords and all that therein is. Pſal.* 24. but theſe things are ſaid to be the Lords in another ſenſe, then tithes are. I remember well that ſentence and rule of *Hillary*, that he who readeth ſcriptures as he ought, muſt not bring a ſenſe to the words, but fet the ſenſe from the words, and not compell the Scripture to ſpeake as hee in preiudice conceaueth. If I breake this rule, it is of ignorance, not of wilfulneſſe, & I will willingly take a rebuke, if I faile herein, eſpecially from ſuch as will both reproue and teach mee.

Things are ſaid to be the Lords in diuerſe ſenſes, when the earth is ſayd to be the Lords, and ſuch like: we vnderſtand that theſe things are the Lords, in two reſpects.

Firſt, in reſpect of a duetie all creatures are the Lords, becauſe he is their creator, for euery thing created oweth a duetie to the creator, as to the great Lord to whom all things owe their homage, albeit euill and corrupt men vnderſtand not this, and therefore are farre from this dutifull obedience: yet they ſhould in regard of this dutie, ſet the ſeruice of God before all things whatſoeuer, becauſe he is creatour of all, this reaſon the Prophet toucheth where he ſaith, *the earth is the Lords*: for (ſaith hee) *he hath founded the world &c.*

Secondly,

Secondly, all creatures are ſaid to be the Lords alſo, in reſpect of that power whereby he ruleth all, euill and corrupt men, though not vnderſtanding the ſame, and being far from yeelding their dutifull obedience to the Lord, are yet ſubiect vnto this his power, for he directeth euery thing to his proper end, in this reſpect the Prophet ſaith: *Hee doth whatſoeuer pleaſeth him in heauen and in earth. Pſal.* 135. And in theſe reſpects wee vnderſtand thoſe Scriptures that ſay, the earth and the creatures are the Lords, aſwell becauſe all things created owe a duety to him, and as it were their homage, as alſo becauſe all things created, are gouerned by his power and prouidence.

But when tithes are ſaid to be the Lords, this is in reſpect of a proprietie and immediate right, that he hath in tithes, for otherwiſe why ſhould the Lord ſay that tithes are his, more then the other 9. parts? for in thoſe former reſpects the 9. parts are his, euen as the earth is his, &c. this then declareth an immediate right and proprietie that the Lord hath in tithes, diſtinct from the reſpects of duetie, power and prouidence, in which reſpects all the reſt is his. And that the words force vs, and not we them to this ſenſe: it may farther appeare by the words following, which doe expound the place, and puts it out of doubtfulneſſe. *All tithes are the Lords holy to the Lord*: Theſe words (*holy to the Lord*) doe interpret the former, and ſhew in what ſenſe tithes are the Lords, not onely in reſpect of a generall duety, or in reſpect of his power, but euen in this ſenſe, becauſe the proprietie and immediate right to tithes is not in man, but in God onely, for that which is holy to the Lord, is ſeperate from man, and mans vſe, in ſuch things man hath no right at all, therefore if man keepe tithes from the Lord, it muſt be confeſſed that this is vſurpation and ſacriledge. Moreouer, we note the manner of theſe words. It is not ſayd thou ſhalt pay all tithes to the Lord, for ſuch a precept might argue an inſtitution of tithes: but it is ſayd, all tithes are the Lords, which words doe not expreſſe any new inſti-

tution, but declare an auncient right which was begun long before the law.

It is farther to be conſidered, that the law obſerueth a diſtinction in holy things, by which diſtinction we may learne how tithes differ from other things, which by the leuiticall law were called holy, for things holy, or ſeperate from mans vſe, are either ſuch as the Lord ſeperateth to himſelfe, wherein man hath no right: or ſuch things as man ſeperateth to the Lord: now tithes are made holy and ſeperate from mans vſe, not by man, but by the Lord himſelfe. For it is ſayd: *Leuit. 27. 28. Nothing ſeparate from common vſe, which a man ſeparateth to the Lord, of all that he hath, may bee ſould, nor redeemed,* but tithes may be redeemed *Leuit. 27. 31. by adding a fift part.* Therefore tithes are ſuch things, as man hath no power to ſeperate from common vſe, becauſe they ſtand ſeparate from common vſe by the Lord, which ſheweth euidently that man hath no right or proprietie in his owne tithes, as he hath in the things which he may ſeparate from common vſe to the Lord.

Then the generall ordinaunce of tithes was not inſtituted in the law, but long before, as appeareth both by the practiſe of the godly in former times, and by theſe wordes declaring the ground of that practiſe, which ground is the immediate right which the Lord hath alwaies in tithes, for if the former practiſe, and that which we haue obſerued of theſe words, *All tithes are the Lords,* be compared together, it is euident that the Lord did not then begin to haue a right in tithes when the law was giuen. This right is not inſtituted in the law, but onely declared, whervpon it followeth that this is right perpetuall, for we call that perpetuall whereof no beginning can be ſhewed, but the vſe therof proued from the beginning. Therefore wee conclude that this propoſition, *All tithes are the Lords, holy to the Lord,* containeth a perpetuall truth, and no leuiticall ceremonie.

To confeſſe the truth, I finde my ſelfe in writing this which I know many are ready to gaineſay, ſo affected

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as they who fortifie an hould againſt the enimies, where the wall is weakeſt or loweſt there the greateſt force of the enimies is ſet to make a breach, ſo I finde that we are now as it were in that breach, and if I can fortifie this one peece ſo as to put the aduerſaries out of hope of entrance heere, I ſhall be at more eaſe for the reſt: for euery man will graunt mee that tithes were due before the law, and vnder the law aſsigned to the Leuites, but how the perpetuall right is proued, or how this right may appeare aſſumed againe after the abrogation of the law, this is that wherat moſt ſticke, this is that which I muſt fortifie. To that therefore which already wee haue ſpoken add that which the Apoſtle ſaith in the Epiſtle to the *Hebrewes*, for hee hath ſo fortified the matter that I know not what may bee brought againſt him, in thoſe words, *Heb.7.8. Heere men that die receiue tithes, but there hee receiueth them, of whom it is witneſſed that hee liueth*: who is hee of whom it is witneſſed that hee liueth.? It is ſpoken there of *Melchiſedech*, but it is verified in Chriſt, *Melchiſedech* heere is brought in to no other end, but as a type of Chriſt, to ſhew how theſe things ſpoken of the tipe, are moſt true in the body Chriſt Ieſus: for there the Apoſtle proueth the greatneſſe of Chriſts prieſthood and the perpetuity of the ſame, ſo that theſe things heere ſpoken of the tipe, are declared to be verified eſpecially & principally in Chriſt: then albeit *Melchiſedech* be in ſome ſort witneſſed to liue, becauſe ther is ſilence of his death, yet this is eſpecially & principally true in Chriſt: then when the Apoſtle ſaith, *that heere he receiueth tithes who is witneſſed to liue*, his meaning is that tithes are payed in the prieſthood of Chriſt, not onely in the leuiticall prieſthood. *Heere men that die receiue tithes, but ther he receiueth them of whom it is witneſſed that he liueth*, where we haue an euident diſtinction betwene the leuiticall aſſignation, and the perpetuall right of tithes. *Heere men that die receiue tithes*, there is the leuiticall aſſignation, which was to haue an end: *but there hee receiueth them, of whom it is witneſſed that he liueth*, in theſe words the perpetuall right

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It is farther to be conſidered, that the law obſerueth a diſtinction in holy things, by which diſtinction we may learne how tithes differ from other things, which by the leuiticall law were called holy, for things holy, or ſeperate from mans vſe, are either ſuch as the Lord ſeperateth to himſelfe, wherein man hath no right: or ſuch things as man ſeperateth to the Lord: now tithes are made holy and ſeperate from mans vſe, not by man, but by the Lord himſelfe. For it is ſayd: *Leuit.* 27. 28. *Nothing ſeparate from common vſe, which a man ſeparateth to the Lord, of all that he hath, may bee ſould, nor redeemed,* but tithes may be redeemed *Leuit.* 27. 31. *by adding a fift part.* Therefore tithes are ſuch things, as man hath no power to ſeperate from common vſe, becauſe they ſtand ſeparate from common vſe by the Lord, which ſheweth euidently that man hath no right or proprietie in his owne tithes, as he hath in the things which he may ſeparate from common vſe to the Lord.

Then the generall ordinaunce of tithes was not inſtituted in the law, but long before, as appeareth both by the practiſe of the godly in former times, and by theſe wordes declaring the ground of that practiſe, which ground is the immediate right which the Lord hath alwaies in tithes, for if the former practiſe, and that which we haue obſerued of theſe words, *All tithes are the Lords,* be compared together, it is euident that the Lord did not then begin to haue a right in tithes when the law was giuen. This right is not inſtituted in the law, but onely declared, whervpon it followeth that this is right perpetuall, for we call that perpetuall whereof no beginning can be ſhewed, but the vſe therof proued from the beginning. Therefore wee conclude that this propoſition, *All tithes are the Lords, holy to the Lord,* containeth a perpetuall truth, and no leuiticall ceremonie.

To confeſſe the truth, I finde my ſelfe in writing this which I know many are ready to gainſay, ſo affected

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as they who fortifie an hould againſt the enimies, where the wall is weakeſt or loweſt there the greateſt force of the enimies is ſet to make a breach, ſo I finde that we are now as it were in that breach, and if I can fortifie this one peece ſo as to put the aduerſaries out of hope of entrance heere, I ſhall be at more eaſe for the reſt: for euery man will graunt mee that tithes were due before the law, and vnder the law aſsigned to the Leuites, but how the perpetuall right is proued, or how this right may appeare aſſumed againe after the abrogation of the law, this is that wherat moſt ſticke, this is that which I muſt fortifie. To that therefore which already wee haue ſpoken add that which the Apoſtle ſaith in the Epiſtle to the *Hebrewes*, for hee hath ſo fortified the matter that I know not what may bee brought againſt him, in thoſe words, *Heb.7.8. Heere men that die receiue tithes, but there hee receiueth them, of whom it is witneſſed that hee liueth:* who is hee of whom it is witneſſed that hee liueth? It is ſpoken there of *Melchiſedech*, but it is verified in Chriſt, *Melchiſedech* heere is brought in to no other end, but as a type of Chriſt, to ſhew how theſe things ſpoken of the tipe, are moſt true in the body Chriſt Ieſus: for there the Apoſtle proueth the greatneſſe of Chriſts prieſthood and the perpetuity of the ſame, ſo that theſe things heere ſpoken of the tipe, are declared to be verified eſpecially & principally in Chriſt: then albeit *Melchiſedech* be in ſome ſort witneſſed to liue, becauſe ther is ſilence of his death, yet this is eſpecially & principally true in Chriſt: then when the Apoſtle ſaith, *that heere he receiueth tithes who is witneſſed to liue*, his meaning is that tithes are payed in the prieſthood of Chriſt, not onely in the leuiticall prieſthood. *Heere men that die receiue tithes, but ther he receiueth them of whom it is witneſſed that he liueth*, where we haue an euident diſtinction betwene the leuiticall aſſignation, and the perpetuall right of tithes. *Heere men that die receiue tithes*, there is the leuiticall aſſignation, which was to haue an end: *but there hee receiueth them, of whom it is witneſſed that he liueth*, in theſe words the perpetuall right

of tithes is contained, which is witneſſed to follow Chriſts prieſthood, and therefore neuer to haue an end, but to ſtand to the end of the world with his prieſthood. This being the plaine and euident ſence of this place, we hope this breach is fortified. Then if tithes are to bee payed to him that liueth for euer, they are euer to be payed: ſo that before the law, and after the law they are payed to him that liueth for euer. Vnder the law they were by Chriſt aſſigned to *Leuy*; that aſſignation, and as we may ſo ſay, that leaſe being expired, they return againe vnto his right *of whom it is witneſſed that he liueth.*

This being prooued the other grounds follow with much facilitie, as annexed to this, for that tithes are aſſigned from the Lord to the Leuites, for the ſeruice of the Tabernacle & no longer, then that ſeruice is to continue, it is euident by the words of the aſſignation, *I haue giuen to the children of Leuy all the tenth of Iſraell for their ſeruice which they ſerue in the Tabernacle of the Congregation*, therefore that ſeruice being abrogated, this aſſignation is void: but this remaineth true ſtill, *all tithes are the Lords*, becauſe by the aſſignation made to *Leuy* the Lords right cannot bee taken away, then the leuiticall ceremonie is onely in the aſsignation, and the commandement of paying tithes to the Leuites dependeth wholly vpon the aſſignation, which may ſo far be acknowledged ceremoniall, as it is leuiticall, and no farther.

Now this we yeeld but by the way of improper ſpeech, graunting that the aduerſarie *ex abundanti*, which otherwiſe he could not proue, for to ſpeake properly and exactly, tithes were neuer ceremoniall in any ſenſe: for euen that aſſignation of tithes to *Leuy* is not properly ceremoniall, but temporarie, for it hath no ceremonie in it, becauſe heere is no carnall type of a holy thing, for tithes to ſpeake properly, are no more carnall in the leuiticall, then in the Euangelicall miniſterie: no more holy things in the miniſtery now, then they were among the Leuites: neither was the end of tithes then to ſignifie any thing, but to be an honorable maintenance among the Leuites,

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albeit then in exact speech, nothing in tithes is ceremoniall, yet speaking improperly we yeeld this assignation to be ceremoniall. And thus I would be vnderstood, when soeuer in this question I yeeld that in tithes somewhat is ceremoniall.

Thus stood tithes in the Church of Israell, wherein the Lord to prouoke godly princes and people not to deale sparingly with the Church, hath left a monument which to men might be an example of bounty, that they which hope for a large increase of spirituall things, may not sow their temporall things sparingly, for besides tithes, first fruits, and offerings, there was assigned in the church of Israell to the leuiticall ministery, as much land, as the portion of the greatest tribe came to, if the discription of *Hierom* deceiue vs not, for *Hierom* describing the land of Israell, saith the length from Dan to Beersebа is 160. miles, the breadth from Ioppe to Bethleem 46. miles: the Leuites portion of land was 48. cities, *Num.* 35. 7. euery Citie had in suburbs 2000. cubites from the wall round. *Num.* 35. 5. which according to *Hieroms* description of the whole land, will afford a large portion for a tribe. Thus we see how tithes stood vnder the law, not as a matter then inuented, but as an auncient ordinance, a perpetuall truth practised long beefore the law, and in the law renued for the honourable maintenance of them who then were appointed to the seruice of God. Hierom. ad Dardanum.

Some haue deuised to trouble this question with doubts, but they runne very inconstantly, sometimes one way, sometimes quite contrary, which argueth either want of sinceritie, or of attention to the question, for sometimes they will say tithes are ceremonies: sometimes they say they are iudicials, now these bee so contrary opinions, that both cannot be true. It were enough for me, to set them against themselues, for one of these opinions doth necessarily ouerthrow the other, and both are ouerthrowne by the truth, we must then seuerally examine these opinions.

First,

# CHAP. III.

Whether tithes be ceremoniall.

First, whether tithes be ceremoniall. Secondly, whether they be iudiciall. To know whether tithes be ceremoniall (that wee may adde more proofes to that which we haue ſayd in this point) it ſeemeth needefull to ſet downe the definition of a leuiticall ceremonie, which may be defined thus: a ceremonie is a carnall type of an holy thing, which for the ſeruice of the Tabernacle is inioyned onely vntill the time of reformation By an holy thing in this definition, wee vnderſtand an Euangelicall truth, by the time of reformation we vnderſtand, the firſt comming and full appearance of our Lord Ieſus Chriſt. All the parcels of this definition are confirmed by the Apoſtle, *Heb.9.* that it is a carnall type of an holy thing, it is proued. *ver.* 10. where they are called carnall rites, and *ver.* 23. they are ſayde to bee ſimilitudes of holy or heauenly things, that ſuch ceremonies were for the ſeruice of the tabernacle, he ſheweth, *ver.* 2. where firſt he diſcribeth the tabernacle, and preſently ioyneth the ceremonies, as belonging to it, and againe, *ver.* 8. and 21. ſo that all thoſe ceremonies had reſpect to the tabernacle, and that they were ordained to indure onely vntill the time of reformation, it is deliuered in expreſſe words, *ver.* 10.

It may be obiected, that albeit all theſe things be expreſſed in the Apoſtle his words, yet his meaning may be not to define a ceremony, but to diſcribe diuerſe kinds of ceremonies, as namely, that of ceremonies ſome are carnall types, other for the ſeruice of the tabernacle, others to indure vntill the time of reformation, &c. wee anſwere for our purpoſe all is one, whether it be graunted that this is a definition, or a diuiſion of ceremonies: if it be a definition, tithes muſt agree to this definition, or elſe it can not be ceremoniall: if it be a diuiſion of ceremonies, then tithes muſt agree to ſome part of it, otherwiſe they can be no ceremonies, but we ſay that tithes neither agree to the whole, nor to any part thereof, for they are neither carnall, nor types, nor carnall types of holy things, nor for the ſeruice of the tabernacle, nor inioyned

ioyned to indure onely vntill the time of reformation, if no part heereof agree with tithes, how is it possible this thing should bee a ceremonie, let vs then examine the parcels.

First, tithes are not carnall, for carnall in the Apostle his sence, is not taken for euery worldly thing, but for such a worldly and rude element, or as the Apostle calleth it, *Gal.* 4. 9. such an impotent and beggerly rudiment as serued for the institution of the rude and ignoraunt people of the Iewes, hauing no such vse among Christians: but tithes serued not for institution of the Iewes, for they did teach nothing, and yet they haue among Christians the same vse, which then they had: for they serued then, as now also they doe, for honour and maintenance of them who teach the people. Is it posible that this thing should be a Leuiticall ceremonie, which hath the same vse among Christians, which it had in Israell? farther, tithes are no types, for a type was instituted for no other vse, but to signifie an holy thing in Christ or his kingdome, but tithes were not instituted for this vse to signifie any thing in Christ or his kingdome, therefore no types, this appeareth plainely, because tithes are after Christ, as they were before, the honourable maintenance of the ministerie alwaies, therefore they signified no more then now they doe, but as they were, so they stand still, or if any thinke that tithes were instituted onely to signifie some thing, let that thing once be shewed. Now if they be neither carnall, nor types, how can they be carnall types, and by consequence they are not carnall types of holy things, but they are those holy things themselues, for to pay tithes sincerely to the ministers of Christ, is an holy thing, and this is enough to proue it no ceremonie, for no ceremonie is of it selfe an holy thing, but that this is, it is apparant, because now in the time of the gospell the same vse of this thing is retained, when all ceremonies are abrogated, neither were tithes instituted for the seruice of the tabernacle. I speake heere of the ordinance of tithes, not of the Leuiticall assignation: which

aſsignation I graunt was inſtituted for the ſeruice of the tabernacle, but the queſtion of tithes in generall, is much differing from this aſsignation, for tithes were before the law, this aſsignation was not, tithes are in vſe after the law ended, this is not, therefore there is as much difference betweene tithes in generall and this aſsignation, as betweene things perpetuall and temporary.

Laſt of all, it is euident, that tithes were not inioyned vntill the time of reformation, for they are in vſe after that time, therefore we reaſon thus, no Leuiticall ceremonie may be allowed to remain in the Church any longer then vntill the time of reformation, but tithes are, and haue beene by all godly allowed to remaine in the Church after the time of reformation: therefore tithes are no ſuch ceremonies, the aſſumption is in the manifeſt knowledge and conſciences of all men: the propoſition is proued out of the words of the Apoſtle, where he deſcribeth ceremonies in theſe words, *Heb.* 9. 10. *carnall rites which were inioyned vntill the time of reformation.* If thoſe carnall rites were inioyned vntill the time of reformation, then manifeſtly it followeth that theſe carnall rites were to be aboliſhed at the time of reformation, and are not to be retained in the Church after that time: heere then of two things we muſt chooſe one, eyther to ſay, tithes are no ceremonie, or to charge the Church of Chriſtians of impietie in the higheſt degree, for appointing tithes for the maintenance of miniſters, and ſo retaining a ceremonie in the Church after the time of reformation, againſt the expreſſe doctrine of the Apoſtle.

But now conſider what anſwere is thought by ſome to be ſufficient. This for ſooth, that tithes are vſed now in the time of the goſpell, not as a ceremonie, but as another thing, they were vnder the law (ſay they) ceremonies, but now they ceaſe to be, and are retained as ſome other thing: let them be as what you liſt, this is no ſufficient anſwere to that which I haue ſaid, and to ſhew the weakenes heereof (becauſe in this aunſwere is placed all the hope of them who hold tithes ceremonies) let vs take

a little paines with it, for the inualiditie of this poore shift being manifested, we may go with more ease through the rest. If this were a sufficient answere to say, we vnderstand tithes now not as a ceremonie, then surely nothing in any disputation can be proued, and because this matter reacheth farther then at the first show it seemeth, it shall not be vnprofitable by the way of a short digression, to speake in generall of insufficient answearing, that is, of vnexact distinguishing, where the truth is onely sought out, without heate or contention, there the distinction of the answere will shew it selfe so quick, as that it doth not onely answere the sophisme, but also carrieth force and power in it selfe to ouerthrow the contrary falshood, but where the distinction hath not this life in it, there it discrieth it selfe to bee, not as armour of defence as it should be, but onely as that sodaine helpe, which the man in daunger of drowning catcheth after: for example, that answere which serueth for the common hackney in schooles: *verum est materialiter, non formaliter*: let it be allowed for a sufficient answere, and what can be concluded? That the absurditie heereof may more plainly appeare, I will recite certaine examples.

*Thomas Aquinas* concludeth, that concupisence which passeth the bonds of reason is against nature. *Dominicus Soto* not consenting to *Thomas*, and yet being vnwilling to stand against him in contradiction, thinketh this a sufficient answere: that which *Thomas* saith is true, *ratione formæ, sed non ratione materiæ, nam ratione materiæ* (saith *Soto*) *concupiscentia illa est naturalis*. *Martin Luther* made this obiection against Indulgences, Indulgences are saide to remit penaunces, but penaunces are good works, such as Fasting, Almes, Prayer and the like: therefore Indulgences are not good but pernicious, seeing they hinder men from good workes. *Bellarmin* thinketh it sufficient to answere thus, Indulgences remit penaunces not as they are good workes, *non quatenus sunt bona opera*, but as another thing, as if hee should say, *verum est materialiter, non formaliter*. Iust as these men distinguish in a ceremo-

1. 2. q. 31. art. 2. ad. 1.

Lib. 2 de Indulg. cap. 4.

nie, tithes are now retained not as a ceremonie, but as another thing.

If this kinde of anſwere runne for currant, who ſeeth not that this blinde diſtinction is at hand ready againſt any truth though neuer ſo well concluded? for when a man hath concluded, that to drinke till a man be drunck is a ſin, ſome will finde out this diſtinction, it is a ſinne *materialiter, ſed non formaliter*: for I vſe, ſaith he, *non quatenus*, not as drunkenneſſe, but as another thing. And why may not another frame the ſame diſtinction for whoredome, eſpecially if hee may alleadge the aduiſe of ſome Phiſitions which hould ſuch phiſicke needefull for his body. And ſo in other things, I would know how a man can conclude againſt the *Ebionites*, if this kinde of aunſwering bee receiued for good? they receiue circumciſion with the Goſpell: how will you diſproue them? if you vrge thoſe words of the Apoſtle, *If you be circumciſed Chriſt profiteth you nothing*: may not they aunſwere the Apoſtle, *verum eſt formaliter, non materialiter*. Wee retaine circumciſion not formally, *non quatenus*, not as a ſacrament, but as another thing. If this were nothing elſe but to mocke the Apoſtles diuinitie, why ſhould any bee ſo much ouerſeene, as to thinke this diſtinction may ſtand againſt vs, which in the like caſe can not ſtand againſt the Apoſtle? Therefore it is not enough to bring a diſtinction, but the parts thereof ſhould bee confirmed out of the principles of that profeſsion, wherein the diſputation is, if the diſputation be in Logicke or Philoſophie, then the parts of the diſtinction to bee confirmed out of Logicke or philoſophie, if in diuinitie, then out of the ſcriptures. This ſincerely practized would cut the ſinewes of many friuelous contentions which are ſo often moued and repeated againe without end. Thus much concerning the idle and endleſſe humour of writing, which proceedeth for the moſt part from inſincere anſwering.

Gal. 5. 3.

Now to returne to the former anſwere of thoſe, who thinke they haue ſaid enough, when they ſay that tithes are not now eſtabliſhed in the Church as a ceremonie,

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but as another thing, it is as if they ſhould ſay *verum eſt materialiter, non formaliter*. For the ~~frame~~ of a ceremonie remaineth not, yet the matter, ſay they, remaineth. forme
Which anſwere as in ſome place may ſtand, ſo heere it cannot, vnleſſe the parts of this diſtinction be proued by ſcripture, which no man hath at any time as yet proued. For it ſhould be proued by ſcripture that tithes were a leuiticall ceremonie, and that the thing which once was a ceremonie, may be retained in the Church of Chriſt, but wee haue ſhewed the contradictary to both, that tithes were neuer a ceremonie, by the diſcription of a ceremonie, and that the thing which was a ceremonie may not be retained in the Church of Chriſtians, becauſe it was inioyned onely vntill the time of reformation: and therefore we conclude, this anſwere is euery way weake, and no ſufficient exception againſt our cauſe.

But for the latter part thereof, it may be thus obiected, ſome things were ceremonies which yet are, or may bee lawfully retained among Chriſtians, as not to ſow a vineyard with diuerſe kindes of ſeedes; not to plow with an Oxe and an Aſſe; not to weare a garment of diuers ſorts, as wollen and linnen together, *Deut.* 22. I anſwere theſe ſcriptures *Deut.* 22. doe not ſpeake of ceremonies, but of iudicialls. Of this anſwere, there are theſe reaſons. Firſt, throughout that Chapter he ſpeaketh of things iudiciall, and in the Chapter next before, as alſo in that which next followeth, hee declareth precepts iudiciall of all ſorts, concerning matters of ſtate when they goe to warre, touching publike affaires, touching priuate, touching huſbandry, touching a mans comely carrying of himſelfe abroad and at home; For iudicialls reach not onely to the great affaires of a ſtate, but euen to a comelyneſſe in husbandry and apparell, of which ciuill comlineſſe theſe precepts are to be vnderſtood, and in a ciuill ſtate well and exactly gouerned, to bee receiued, for ciuill comelineſſe, and an exact order is to be ſetled in euery part of the ſtate.

Another reaſon that theſe precepts are to be vnder-

ſtoode of iudicialls, not of ceremonies is, becauſe theſe things cannot agree to the diſcription of a ceremony, out of the Apoſtles wordes, for neither were theſe carnall tipes of holy things, neither were they inſtituted for the ſeruice of the Tabernacle. Againe it can not bee ſaide that a ceremonie is negatiue, as a precept may bee, for they are not ſet downe in negatiues, this thou ſhalt not doe, but in affirmatiues in doing or vſing, for a ceremonie is poſitiuely to repreſent an holy thing, for which cauſe the Apoſtle calleth them ἀντίτυπα τῶν ἀληθινῶν. Heb. 9. 24. Moreouer in theſe and ſuch like precepts we obſerue that albeit ſome ſignification may well be drawen from them, yet that will not ſuffice to proue them ceremonies, for from that which is written *Deut.* 25. *Thou ſhalt not muſſell the mouth of the Oxe that treadeth out thy corne.* The Apoſtle 1. *Cor.* 9. 9. draweth a ſignification, and thereby a ſtrong reaſon for maintenance of miniſters, and yet I ſuppoſe, no man will hould that precept to bee ceremoniall, for it is iudiciall altogether, becauſe it is of things in common vſe, therefore certainely iudiciall: euen ſo are theſe precepts *Deut.* 22. to bee vnderſtood. Wherefore the contrary apparaunces being remoued, the truth of this concluſion will better appeare, tithes are no ceremonies.

Now as it is an eaſie matter for any without much learning to ſay tithes were ceremonies, and to reſt there without reaſon, without diſcuſsing the manner and cauſe thereof, ſo if any would enter iudiciouſly into the carefull and conſcionable ſearch heereof, and open vnto vs the ſignification of this ceremonie, and ſhew vs the proper end and vſe thereof, and proue with one ſound reaſon, that tithes were inſtituted to ſignifie ſomething onely for a time as all ceremonies were: I ſhould for my part thinke my ſelfe much beholding to him, otherwiſe if thou ſhalt tell me a thouſand times it is a ceremonie, though this were true that thou ſaiſt, yet becauſe thou knoweſt not the reaſon and ground thereof, to thee it is as an vntruth, he who holdeth this a ceremonie, ought to bring

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an approued reaſon from the word, and declare the true end and vſe of the ceremonie, which will open the ſignification thereof: till that be done, he that ſaith it is a ceremonie ſpeaketh without vnderſtanding.

Tithes not iudicials.

We ſhall haue leſſe trouble to diſproue the other opinion, which holdeth tithes iudicials, becauſe it is holden with much leſſe ſhew of reaſon: for to be briefe heerein, we reaſon thus. No holy things are iudicials: but all tithes are holy things, therefore no tithes iudicials: The propoſition of this ſyllogiſme is manifeſt by that diſtinction which muſt be acknowledged between things holy and common: holy things are taken from common vſe, which things are of two ſorts, eyther ſuch as the Lord ſeparateth from common vſe, as the ſabboth, and tithes, and ſuch like: or ſuch as man ſeparateth from common vſe to the Lord, of which thoſe words are *Leuit.* 27.28. *Nothing ſeparate from common vſe, that a man doth ſeparate to the Lord, of all that he hath, may be ſold nor redeemed*, and in the verſe following, things ſeparate from common vſe are expounded ſeparate from man. Thus are all holy things ſeparate from common vſe or from man, but all iudicials are of things in common vſe, not ſeparate from man, therefore no iudicials are holy things, no holy things iudicials.

By this which we haue ſaid, the queſtion I hope is cleared which was mooued in the beginning of this chapter, how tithes ſtood vnder the law, It appeareth that then they were not as ceremonies, nor iudicials, but a perpetuall ordinance and part of the morall truth. Before wee paſſe from this place, I would adde a word of the antiquitie of theſe two opinions which I haue laſt refuted. The iudgements of former ages is a great preſumption, and men of iudgement will very hardly depart from an ancient opinion without great reaſons. Now as the opinion which I ſeeke to confirme is ancient, and hath beene held by the beſt learned in the Church from the beginning till theſe late yeeres: ſo thoſe other two opinions laſt ſpoken of, are both new, though the one ſomewhat

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ſtoode of iudicialls, not of ceremonies is, becauſe theſe things cannot agree to the diſcription of a ceremony, out of the Apoſtles wordes, for neither were theſe carnall tipes of holy things, neither were they inſtituted for the ſeruice of the Tabernacle. Againe it can not bee ſaide that a ceremonie is negatiue, as a precept may bee, for they are not ſet downe in negatiues, this thou ſhalt not doe, but in affirmatiues in doing or vſing, for a ceremonie is poſitiuely to repreſent an holy thing, for which cauſe the Apoſtle calleth them ἀντιτυπα τῶν ἀληθινῶν. Heb. 9. 24. Moreouer in theſe and ſuch like precepts we obſerue that albeit ſome ſignification may well be drawen from them, yet that will not ſuffice to proue them ceremonies, for from that which is written *Deut.* 25. *Thou ſhalt not muſſell the mouth of the Oxe that treadeth out thy corne.* The Apoſtle 1. *Cor.* 9. 9. draweth a ſignification, and thereby a ſtrong reaſon for maintenance of miniſters, and yet I ſuppoſe, no man will hould that precept to bee ceremoniall, for it is iudiciall altogether, becauſe it is of things in common vſe, therefore certainely iudiciall: euen ſo are theſe precepts *Deut.* 22. to bee vnderſtood. Wherefore the contrary apparaunces being remoued, the truth of this concluſion will better appeare, tithes are no ceremonies.

Now as it is an eaſie matter for any without much learning to ſay tithes were ceremonies, and to reſt there without reaſon, without diſcuſsing the manner and cauſe thereof, ſo if any would enter iudiciouſly into the carefull and conſcionable ſearch heereof, and open vnto vs the ſignification of this ceremonie, and ſhew vs the proper end and vſe thereof, and proue with one ſound reaſon, that tithes were inſtituted to ſignifie ſomething onely for a time as all ceremonies were: I ſhould for my part thinke my ſelfe much beholding to him, otherwiſe if thou ſhalt tell me a thouſand times it is a ceremonie, though this were true that thou ſaiſt, yet becauſe thou knoweſt not the reaſon and ground thereof, to thee it is as an vntruth, he who holdeth this a ceremonie, ought to bring

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an approued reaſon from the word, and declare the true end and vſe of the ceremonie, which will open the ſignification thereof: till that be done, he that ſaith it is a ceremonie ſpeaketh without vnderſtanding.

We ſhall haue leſſe trouble to diſproue the other opinion, which holdeth tithes iudicials, becauſe it is holden with much leſſe ſhew of reaſon: for to be briefe heerein, we reaſon thus. No holy things are iudicials: but all tithes are holy things, therefore no tithes iudicials: The propoſition of this ſyllogiſme is manifeſt by that diſtinction which muſt be acknowledged between things holy and common: holy things are taken from common vſe, which things are of two ſorts, eyther ſuch as the Lord ſeparateth from common vſe, as the ſabboth, and tithes, and ſuch like: or ſuch as man ſeparateth from common vſe to the Lord, of which thoſe words are *Leuit.* 27.28. *Nothing ſeparate from common vſe, that a man doth ſeparate to the Lord, of all that he hath, may be ſold nor redeemed*, and in the verſe following, things ſeparate from common vſe are expounded ſeparate from man. Thus are all holy things ſeparate from common vſe or from man, but all iudicials are of things in common vſe, not ſeparate from man, therefore no iudicials are holy things, no holy things iudicials. Tithes not iudicials.

By this which we haue ſaid, the queſtion I hope is cleared which was mooued in the beginning of this chapter, how tithes ſtood vnder the law, It appeareth that then they were not as ceremonies, nor iudicials, but a perpetuall ordinance and part of the morall truth. Before wee paſſe from this place, I would adde a word of the antiquitie of theſe two opinions which I haue laſt refuted. The iudgements of former ages is a great preſumption, and men of iudgement will very hardly depart from an ancient opinion without great reaſons. Now as the opinion which I ſeeke to confirme is ancient, and hath beene held by the beſt learned in the Church from the beginning till theſe late yeeres: ſo thoſe other two opinions laſt ſpoken of, are both new, though the one ſomewhat

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elder then the other. That tithes are ceremonies, is an opinion deuiſed about an hundred yeeres ſince, not aboue: the other, that tithes are iudicials is auncienter, for it was
3.part. q.51.3. firſt deuiſed by *Alexander de Hales* an Engliſh man the father of ſchole-diuinitie, the firſt that wrote vpon the ſentences. This *Hales* died in the yeare of Chriſt 1250. ſaith *Iohn Bale*. The ſame opinion is maintained
2.2.q.87. Art.3. by *Thomas Aquinas* ſcholler to *Hales*. Theſe their chieftains the ſchole-men follow, and hence it is now a receiued opinion among them of the Church of Rome, that tithes are iudicials. But one thing I wiſh to be obſerued, that after the Pope had through corruption made tithes away from their proper Churches by impropriations, then forſooth to ſalue this corruption, leaſt it might haue beene thought open ſacriledge, theſe deuiſes were firſt inuented. This I thought good to note, that it may bee knowne that this corrupt opinion of tithes came in with infinite corruptions and deprauations of the truth.

CHAP.

# CHAP. IIII.

## *How Tithes ſtood in the time of the new Teſtament.*

LEt it bee examined in the next place, how tithes ſtood in the time of the new Teſtament. In this time we finde no expreſſe mention that tithes were payed, nor any expreſſe proofe that they were not, but there is great probabilitie that they were not. Firſt, becauſe we finde no expreſſe teſtimonie for them. Secondly, becauſe that vſe of paying tithes, as the Church then ſtoode, was ſo incommodious and cumberſome that it could not well be practiſed. And therefore as circumciſion was laid aſide for a time, whilſt Iſraell trauailed through the wilderneſſe, not becauſe the people of right ought not then alſo to haue vſed it, but becauſe it was ſo incommodious for that eſtate and time of the Church, that it could not without great trouble be practiſed: euen ſo the vſe of tithes in the time of Chriſt and his Apoſtles was laid aſide, not becauſe it ought not, but becauſe it could not without great incumbrance be done. And as circumciſion was reſumed as ſoone as the eſtate of the Church could beare it: ſo tithes were reeſtabliſhed as ſoone as the condition of the church could ſuffer it, for tithes can not wel be payed, but where ſome whoſe ſtate or kingdome receiueth Chriſtianitie,

and where the maiestrate doth fauour the Church, which was not as then. Now as soone as it can be shewed that a Maiestrate did fauour the Church, so soone will it also appeare that tithes were established.

Thirdly, moreouer tithes were payed to the priests and Leuites in the time of Christ and his Apostles, now the Iewish synagogue must first be buried, before these things could be orderly done, when the synagogue was buryed, and the estate of the Church could beare the practise, then were tithes brought into vse in the Church.

Fourthly, in the times of the new Testament and somewhat after, there was an extraordinary maintenance by a communitie of all things, which supplied the want of tithes, but this communitie was extraordinary, and not to last alwaies: now as this extraordinarie maintenance decayed, tithes being the ordinarie maintenance of the ministerie grew in vse againe, and if it should so happen, that the Church should bee in the like case againe as then it was, then must paying of tithes cease for the same reason, as then it did. And then might that communitie be reduced againe for that time, that is, an extraordinarie maintenance at an extraordinarie time: but this could not preiudice the right of the ordinarie maintenance, when fit time serueth, albeit then that for these reasons tithes were not vsed *de facto* in the time of the new Testament, yet it appeareth that *de iure* they ought to haue beene payed, if these incumbrances had not disturbed the conuenient practise thereof: *Mat.* 23. 23 *You tith mint, and anise, and cummin, and leaue the weightier matters of the law, &c. these ought yee to haue done, and not to haue left the other vndone*, from which words tithing hath the approbation of Christ, as a thing that ought to be done, there is an apposition betweene things of the same kinde, the greatest morall things in mercy and iudgement, and the least morall things in paying the least tithes. Thus *Origen* and other fathers vnderstand these words, as belonging no lesse to Christians, then to Iewes, *Luke*. 18. the proud Pharisee in his prayer saith:

opposition

Hom. 11. In num. Augustin Psal. 146.

*I faſt twiſe in the weeke, I giue tithes of all that euer I poſ-ſeſſe*, where we finde tithes accounted morall, as faſting. *Heb*, 7.8. the Apoſtle ſheweth from *Abrahams* paying tithes to *Melchiſedech* that Chriſts prieſthood is perpetuall, not ſubiect to change as was that of *Leuy*, which declareth that tithes follow that prieſthood which is perpetuall. Briefly I reaſon thus, there is no proofe through out all the new Teſtament, for any other ordinary maintenance of the miniſtery: therefore tithes remaine ſtill the ordinarie maintenance.

But becauſe the Apoſtles times are ſo much obiected againſt vs for the pretended competencie, we muſt better conſider theſe times ſo far forth as they touch this maintenance. In the Apoſtles writings ther be two things to be obſerued concerning this point. Firſt the examples of that maintenance which then was in vſe. Secondly, the reaſons and proofes which the Apoſtles vſe to moue the people to contribute: both theſe things ſtand againſt the pretended competencie, for if the examples be conſidered, that which was done appeareth to be nothing elſe but almes, if the proofes be weighed, they are ſuch as proue another thing then that which then was practiſed, and if they bee well examined they proove tithes due. Now the Apoſtles reaſons are good and ſtrong, when as by ſuch proofes as indeed proue the ordinary maintenance due, he calleth for ſome other thing of the people, becauſe tithes the ordinary maintenance could not in that eſtate of the Church well bee payed. If theſe things be examined in order, it will appeare firſt by the examples and practiſe of that time, that thoſe contributions were nothing but almes, for no man was compelled to giue any thing, but euery man gaue as hee was moued. It ſhall bee ſufficient of many to ſhew a few examples, the Apoſtle ſpeaking of ſuch contributions *Romanes*. 15.26.27. ſaith, *it hath pleaſed them of Macedonia and Achaia to make a certaine diſtribution, &c.* By which words hee deſcribeth an almes, and in the words following, where he ſaith, *It pleaſed them, & their debtoures*

*are they*: he ſheweth this diſtribution was but almes, for if it were giuen at their pleaſure, and if they who receiued it, were their debtours, ſurely it can bee nothing but almes. The circumſtances of that action proue no leſſe, for they of Macedonia and Achaia, as likewiſe they of Rome, were not bound in any other dutie then meere charitie to maintaine thoſe at Rome. And as heere wee finde that hee accompteth it ſo, euen ſo hee calleth it in plaine termes by the name of Almes, *Act.* 24. 17. *After many yeeres I came and brought almes to my nation.* By this it may appeare that the Apoſtle accompted ſuch contributions as then were vſed in the Church, meere Almes.

*Tertullian* ſpeaking of this vſe, which as it ſeemed continued to his time, ſaith thus: *vnuſquiſq; ſtipem quum velit, & ſi modo poſſit apponit, nam nemo compellitur ſed ſponte confert.* Then from the vſe and practiſe of the Apoſtles times nothing can bee proued but almes, and therefore this competent maintenance cannot bee drawen hence, firſt becauſe this competency by them who ſtriue for it, is not meant almes: ſecondly becauſe they who hould this, doe thinke that the people may bee compelled to contribute ſome thing, but this is directly againſt the vſe of the Apoſtles times, for no man was compelled, but that onely was taken which was willingly giuen. Thirdly becauſe they would haue it at the appointment of the maieſtrate, which thing is not anſwerable to theſe times. This may ſuffice to proue that this competent maintenance doth not agree with the vſe of theſe times whereof wee ſpeake.

This the *Waldenſes* and after them *John Wiclife* did foreſee, and well vnderſtood, that if the practiſe of the Apoſtles be vrged in this point, then aſſuredly nothing can be clamed but almes. And therefore they vrging that vſe did truely thereupon couclude that the miniſters maintenance muſt be almes though they vrged thoſe times without reaſon, yet that being once graunted the other muſt follow.

Now

Now let vs conſider the reaſons which the Apoſtles vſe in moving theſe contributions, theſe reaſons if a man conſider them aright, doe reach farther then they are applyed, and indeed doe conclude another thing, for ſeeing the contributions then practiſed were almes, and the reaſons confirme a due maintenance, ſurely they confirme another thing then was practiſed at that time. For example the reaſons whereof wee haue ſpoken, 1. *Cor.* 9. *Who goeth to warfare at any time of his owne coſt? who planteth a vineyard and eateth not of the fruit thereof? or who feedeth a ſocke and eateth not of the milke?* Theſe reaſons doe not ſo much proue that which then was in vſe, as another thing: what that other thing is, that is heere in queſtion? wee ſay tithes: other ſay, a competent maintenance, but theſe reaſons proue the ordinary maintenance of miniſters due.

Now becauſe tithes, the ordinary maintenance, could not bee payed without great incumbrance, the reaſons ſhew that in place thereof for a time ſome other thing muſt of right bee payed. So the Apoſtle reaſoneth, 1. *Cor.* 9. 13. *Doe you not know that they who miniſter about the holy things, eate of the things of the temple, and they who waite at the alter, are partakers of the altar?* So alſo hath the Lord ordained that they who preach the Goſpell ſhould liue of the Goſpell.

This reaſon concludeth very ſtrongly for tithes, and for nothing elſe, for it muſt be graunted that the Apoſtles words concluding ſomething certainely, doe rather conclude that which was the ordinarie maintenance commonly receiued in the Church, then that which was neuer in vſe in the Church, certainly not in thoſe tymes. Now tithes were ordinarily receiued in the Church, as the miniſters maintenance, but this competencie as it is vrged, was neuer in vſe in the Church, ſurely not in the Apoſtolike times. Now it were hard to ſay that the Apoſtle reaſoneth for ſuch a thing as was neuer in vſe.

Againe, the Apoſtle ſaith, the Lord hath ordained the miniſters maintenance, this ordinance is not *indiui-*

*duum vagum*, but ſome certaine thing, beeing a part of gods worſhip. Now we can ſay that tithes are the Lords certaine ordinance, but who is able to ſay and proue ſo much for this competent maintenance? As for the vſe and practiſe of the Apoſtles times, aſſuredly it was no perpetuall ordinance of the Lord, but an extraordinarie vſe for a time: wee ſeeking the ordinary maintenance, and this being extraordinarie to indure but for a ſhort time, ſhall neuer finde that which we ſeeke in the vſe and practiſe of thoſe times. Then whereas the Apoſtle ſaith, the Lord hath ordained that they who preach the goſpell, ſhould liue of the goſpell, there muſt be ſome ordinance of the Lord ſhewed, but none can bee ſhewed, but either tithes or the vſe of the Apoſtolike times, therfore this ordinance muſt eyther be tithes, or almes, but not almes: for this vſe of the Apoſtles times were extraordinarie, therefore the ordinary and perpetuall ordinance of the Lord for the miniſters maintenance, can be nothing elſe but tithes, and that the reaſons vſed by the Apoſtle doe in truth confirme tithes, albeit they name not tithes, it is the iugdement of diuers fathers, as heereafter may appeare.

Now that which ſtandeth with beſt reaſon, with the perpetuall and ordinary practiſe of the Church before and ſince Chriſts time, and hath the full conſent and teſtimonie of the auncients, I prefer before that which ſtandeth with no reaſon, was neuer vſed in the Church, and hath the teſtimonie of no auncient father.

CHAP.

# CHAP. V.

*How Tithes ſtoode in the ages of the Church after the Apoſtles, wherein the point in queſtion is confirmed by the teſtimonie of fathers without contradiction, vntill Antichriſt by vſurped authoritie diſordered the Church.*

HOW long that communitie of all things laſted in the Church, which began in the Apoſtles times, wee cannot preciſely determine, but it ſeemeth to haue beene in ſome vſe in *Tertullians* time, for ſo hee ſaith, *omnia ſunt indiſcreta apud nos præter vxores.* Apol. cap. 39.

*Euſebius* laboureth to proue out of *Philo*, that the Chriſtians at Alexandria conuerted by *Mark*, had all things common. But the teſtimony of *Philo* ſpeaketh of thoſe who were called *Eſſæi*, not of Chriſtians, yet that this communitie was long continued among chriſtians, it is out of doubt. Some thinke that *Vrbanus* Biſhop of Rome Ann. 223. did make ſome mutation in the vſe of this communitie, who firſt of all is reported to haue retained lands to the Church vſe, for whereas before we read *Act.* 2. 34. *as many as were poſſeſſours of lands, ſold them and brought the price to the Apoſtles*: Afterward it was thought expedient for the perpetuall Hiſt. Eccl. lib. 2. cap. 17.

petuall reliefe of the Church, that ſuch lands ſhould not be ſould, and the price giuen, but the lands themſelues ſhould be giuen to the Church, *Faſſiculus temporum* aſcribeth this to *Urbanus, prædia capit eccleſia poſsidere huius (vrbain) tempore, de quibus clericis & notarijs ſumptus deputabant qui geſta martirum conſcripſerunt, antea viuebant more Apoſtolico qui in actis Apoſtolorum ſcribitur.* *Marſilius Patauinus* ſaith likewiſe, that *Vrban* was the firſt that poſſeſſed lands and temporalties, yet it ſeemeth that vſe began before *Vrbanus* his time, if *Gratian* cite truely the words of *Vrban*.

Defenſ. Pac. par. 2. c. 25.

Albeit there may be ſome queſtion of the authoritie of this teſtimonie, the credit whereof I will neuer ſeeke to ſalue: yet becauſe in a matter of ſtory, it agreeth with other ſtories of that time, I thincke it not amiſſe for the ſtories ſake to ſet it downe as it is in *Gratian*, and in the firſt tome of counce'ls, *Videntes autem ſummi ſacerdotes, & alij atq; Leuitæ, &c.* that is, The chiefe Biſhops and other, and the Leuites or miniſters, and the reſt of the faithfull perceiuing that whereas lands and inheritances were wont to be ſold, and the price giuen to the Church, it might be more profitable if thoſe lands and inheritances themſelues were giuen to the Churches that are gouerned by Biſhops, becauſe the faithfull that liue in common might better be ſerued and much more conueniently by the rents of ſuch lands, both for the preſent time, and for the time to come, then by the price in money: heereupon thoſe lands which before they were accuſtomed to ſell, they begunne to beſtow vpon Cathedrall Churches, and to liue of the rents. Now theſe lands were within the priuiledge of euery ſuch dioceſſes of the Biſhoppes who hold the place of the Apoſtles, and ſo the ſame lands are, and for the time to come ought to be. Out of theſe, the Biſhops being faithfull ſtewards heereof ought to miniſter all neceſſaries to them that deſire to liue in common, ſo that among them none want, for theſe things are the oblations of the faithfull, by theſe meanes the cathedral churches gouerned by the Biſhops haue by

Cauſ. 12. q. 1. Videntes.

Matriabus eccleſijs. In diction ſingularum parochiarum epiſcoporum.

Gods

Gods help had ſuch increaſe, and ſo many ſo well pro- „
uided, that among them none that liueth in common „
wanteth any thing, but receiueth all neceſſaries from the „
Biſhop and his miniſters. And therefore if either now, or „
hereafter any ſhall take thoſe lands, let him bee ac- „
curſed, &c.

Out of which teſtimonie, firſt it appeareth, that the communitie of things laſted in ſome ſort to this time, and therfore tithes are not ſpoken of ſo long as this communitie was in vſe. It is alſo apparant by that which followed, that this thing was the firſt occaſion that the community ceaſed, and that tithes came in vſe againe. Secondly, we obſerue that the land and temporalties of Biſhops were not for this end, and vſe giuen them, that they ſhould keepe all to themſelues, but that they thence might comfort ſuch as wanted, eſpecially in the miniſtery. Thirdly, it appeareth plaine ſacriledge to take ſuch lands and temporalties away from the Biſhops and the Church. For firſt the lands were ſold and the price giuen, afterward the lands were giuen, if it were in the choiſe of the giuers, whether they would giue the price in money, or in lands: I demaund this queſtion, when they gaue the price in money, was it not ſacriledge to take it back againe, or any part thereof? as *Ananias* and *Saphira* did, *Act.* 5 1. Now if it were ſuch ſacriledge to take backe the price, is not the ſame to be thought of the lands themſelues? for in this queſtion, what difference is betweene the lands, and the price of thoſe lands?

Now whereas the queſtion may be moued concerning Abby lands, which were giuen for ſuperſtitious vſes: firſt the Ciuilians and Canoniſts are agreed vpon the poynt: for the Canoniſts hold that a cuſtome may make a law how erroneous ſoeuer the beginning was; the Ciuilians iudge that if a thing be giuen to the Church for vnlawfull vſes, thoſe vſes muſt bee altered, but the thing remaine. But now admitting that an errour in the beeginning make a nullitie in the gift from the beginning: yet we ſay this toucheth not Biſhoprik lands at all, for

whoſeuer is diligent in the ſtory of the Church, will confeſſe a great difference betweene lands giuen to Biſhopriks, and to Abbyes: for Biſhoprick lands were giuen preſently vpon the planting of Churches. And no ſtory can ſhew that euer there was a Church planted in the beſt times: but either lands were committed to the gouernment of Biſhops for the vſe of the Church, or elſe the price was brought to them, who then gouerned the Churches: but in Abbey lands the caſe was nothing like, for this indowment of Abbyes with lands was of late, in the time of ſuperſtition, brought in vſe, not vpon the calling and planting, but vpon the corrupting of Churches, For which cauſe it muſt be confeſſed that theſe two things, are not to be ſpoken of confuſedly, as if one and the ſame caſe were in both, ſeeing they are from ſuch differing beginnings, and for ſuch differing ends.

Thus much then may be drawen, I ſay not from *Vrbanus* his teſtimony, but from the practiſe of the Church in the Apoſtles times, that whatſoeuer was giuen to the Church, there being no errour or ſuperſtition in the gift, that of right ought to remaine to the Church and to take that away, is ſacriledge, what is ſacriledge if this be not?

Now as this doth maintaine the right of Biſhops temporalties to the Church, becauſe that gift was giuen to the Church in the beginning without errour or ſuperſtition: ſo it maintaineth the right of tithes, which haue beene giuen by the common conſent of Chriſtians to the Church. If there were no other right ſauing this, that tithes haue beene dedicated to the Church, and in that dedication there was no errour or ſuperſtition, this were enough to proue that tithes could not be taken away, no more then *Ananias* and *Saphyra* might take away any part of that which they had vowed to the Church. But when we haue this reaſon added to the expreſſe will of God, that all tithes are the Lords, alwaies to bee giuen to him, as we haue ſhewed, heerein muſt needes be double ſacriledge, and manifeſt impiety committed

mitted, to take that away from God, which God and man hath decreed ſhould be his.

A learned and godly miniſter of Scotland hath ſet foorth of late certaine ſermons againſt ſacriledge, yet not touching this queſtion of tithes in this ſort, but rather declaring his opinion, that in ſome caſes tithes might be changed into another meanes of ſufficient proviſion, if ſuch godly zeale were now among men, as was of old time, yet theſe caſes wherein this change may be admitted, hee doth not open, but as now the zeale of men ſtandeth, hee is vtterly againſt the change. But it fareth with him, as it muſt needes doe with all that ſincerely write eyther againſt ſacriledge or for the maintenance of miniſters, for let a man throughly touch theſe points, and will hee, nill hee, hee ſhall proue tithes due, as this man doth, though not purpoſing the ſame, for hee proueth, that to take away any thing of that which is holy to God, is ſacriledge. Now that tithes are euer holy to God, wee haue proued, both dedicated to him by man, and aduouched by himſelfe, ſo that of all things that can bee called holy in this ſenſe, nothing hath that place before tithes. If then ſacriledge be in taking away holy things from God and his Church, it appeareth more in taking away tithes, then in any other thing whatſoeuer. Neither can ſacriledge heerein be excuſed though men ſhould eſtabliſh ſomething in place of that holy thing taken away.

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bee appointed by men. Secondly, againe albeit wee ſhould admit, that in ſome things of the Church this might bee done, yet that it can bee in tithes wee vtterly denie, vnleſſe it bee proued that the change is made by the ſame power and authoritie by which tithes are made holy to God: now wee haue ſhewed that man did not make tithes holy to God and his Church, but the Lord himſelfe.

Heerein then wee haue not onely the conſent of man, but the expreſſe approbation of God, ſo that if all the men of the world ſhould agree to change tithes, yet this would not make it lawfull without expreſſe warrant from God, who hath appropriated tithes to himſelfe, and out of his owne right aſsigneth them to the maintenance of the miniſterie. Thirdly, what reaſon ſhould moue any man to thinke it ſacriledge, to take away lands giuen to the Church, albeit giuen for ſuperſtitious vſes; and yet thinke it no ſacriledge to take away or change tithes, which were not giuen for ſuperſtitious vſes, but for maintenance of preaching? For hee that alloweth ſome other prouiſion in place of tithes, graunteth that to take away tithes in ſome caſe, is not ſacriledge: If the reſtitution of ſome prouiſion in place of tithes could ſaue the Sacriledge, why may not the Sacriledge of men bee excuſed, who take away as much of the Church lands as are at the value of tenne thouſand pounds, and in place thereof giue tenne pounds? For when any thing is taken away, that a thing of the ſame value ſhould bee reſtored, who can expect? and and who ſhall bee iudge? if then to giue ſome thing in place of that which is taken away, ſaue it from the crime of Sacriledge, who ſeeth not to what a wretched eſtate the Church muſt needes bee brought? for may not all bee taken away, and ſomething bee giuen backe in place thereof, and yet that ſomething bee as good as nothing? But they who admit that tithes may bee taken away from the Church, doe it with this caution, ſo that a ſufficient prouiſion bee left. This is a caſtle in

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the aier, that neuer ſtoode on the earth. For if wee ſpeake of the ordinary maintenance of the preaching miniſterie, a ſufficient maintenance is not, neither at any time hath beene without tithes, and in this point the world is not like to alter.

Then to ſpeake of a ſufficient maintenance without tithes, is but a conceit in the braines of ſome men, which neuer was brought into action neuer will be: God allowing a ſufficient maintenance to the miniſtery, nameth it tithes. Now what ſtipend can man name that will ſupply the place of tithes? I ſuppoſe it would much trouble the wiſeſt to name a ſtipend that would bee ſufficient at all times: but tithes are ſufficient at all times, howſoeuer the price of things riſe or fall, the miniſter hath his part with his people in all eſtates by tithes; which proportioning of the miniſters eſtate making it able to anſwere all eſtates a like, whether deare, or cheape: proceeding from the wiſdom of God cannot be bettered or matched by mans wiſdom. Were it not then much eaſier to bring that ordinance in vſe, which ſtandeth ſo agreable with the lawes of God, & nature, & of godly kings: then to deuiſe ſtrange courſes, which neuer were in vſe; and being deuiſed will neuer proue ſufficient? But let vs returne to the vſe of this time whereof wee ſpeake.

The vſe of giuing lands to chiefe Churches, whether begun before *Urban*, or by him, ſo much as in him lyeth, he confirmeth, prouiding that thoſe lands ſo giuen may bee retained to the vſe of the Church, ſuch lands and poſſeſsions were then giuen to the head Churches of euery countrey, and committed to the Biſhops who gouerned thoſe Churches, as to wiſe and faithfull ſtewards to husband the ſame, according to the neceſſities of the Church through their dioceſſes. It grew afterward in proceſſe of time, that the Biſhops held thoſe lands for their proper vſes, but this was from a latter vſe, the diſtribution of Church goods, being firſt brought into foure parts, and by little and little afterward, as authority ſo power to maintaine that authoritie falling

into the hand of one man. The former vſe was ſo ancient, that it is hard to fetch the beeginning thereof. In the time of *Vrbanus Origen* liued, for *Hierom* ſaith, that *Origen* was 17. yeares old in the tenth yeare of *Seuerus*, and died about the 70. yeare of his age, ſo hee liued long before and after the time wherein *Vrban* ſat in the Sea of Rome. In his time that order of the Church, which before was held in the communitie of all things decaying: tithes were accounted due, and called for. That thus they were accounted in his time, it appeareth by theſe teſtimonies: *Quomodo abundat inſtitia noſtra pluſquam Scribarum & Phariſæorum, ſi illi de fructibus terræ ſuæ guſtare non audent, priuſquam primitias ſacerdotibus efferant, & Leuitis decimæ ſeparentur: & ego nihil horum faciens, fructibus terræ ita abutar, vt ſacerdos neſciat, Leuites ignoret, diuinum altare non ſentiat?* where *Origen* for the farther manifeſtation of his meaning doth diſtinguiſh theſe tearmes, *lex, mandata, iuſtificationes, præcepta, teſtimonia*, but foraſmuch as ſerueth our purpoſe, hee obſerueth that it is not written, *hæc eſt lex decimarum*, as it is written of things ceremoniall: *hæc eſt lex paſchæ, lex Azymorum, lex circumciſionis*, where *Origen* noteth that this is a mark of a ceremonie, for of ſuch it is neuer written ſaith hee, *hoc eſt mandatum Paſchæ*, but *hæc eſt lex Paſchæ, &c.* by which he proueth that tithes are no ceremonies, and he layeth downe this poſition, *Chriſtus nos redemit de maledicto legis, non de maledicto mandati, nec de maledicto teſtimonij, aut iudiciorum*, which ſentence would bee fauourably expounded, as taking *maledictum* for the obligation which did bring the curſe with it: but I ſeeke out onely the iudgement of *Origen* for the point in queſtion: vpon theſe reaſons he ſaith plainely, *hanc ego legem* (ſpeaking of the law whereby tithes were payed) *obſeruari etiam ſecundum literam, ſicut & alia nonnulla neceſſarium puto*, and againe, *non videtur huiuſmodi anima habere memoriam Dei, nec cogitare, nec credere quia Deus dederit fructus quos capit, quos ita recondit quaſi alienes à Deo, ſi enim à Deo ſibi dates crederet,*

Lib de ſcriptor. eccleſ.

Orig. Hom 11. in Num.

Ibid.

*crederet, sciret vtiq; munerando Sacerdotes, honorare Deum de datis & muneribus suis*, farther he expoundeth that saying, *Mat.* 23. *these things you ought to haue done, and not to haue left the other vndone*: to bee a precept no lesse for the vse of Christions, then Iewes. Out of which testimonies we see plainely what *Origen* (whom *Hierom* accounteth the most learned of the Fathers) esteemeth of tithes. Of diuerse things so expressly affirmed by him, we may especially obserue two.

First, that *Origen* (who by *Hieroms* account was borne in the yeare of Christ 188.) had receiued from his elders no other knowledge of this question, then this, that tithes are due among Christians, *secundum literam*, aswell as among Iewes.

Secondly, it is to bee obserued, that as soone as wee first heare any thing spoken of this question in the church we finde that tithes were not accounted ceremoniall, or iudiciall, but morall and perpetuall precepts for the Church. Now as *Origen* receiueth and reporteth the doctrine of the Church before him, so immediately succeeding the Apostles, for betweene the death of *Iohn* the Apostle, and *Origen* were but 84. yeares, so that which *Origen* heere deliuereth of tithes, was neuer crossed in the Church following, till Antichrist oppressed all. Now this seemeth to mee, a very great presumption for the truth, if there were no more, that a sentence should bee kept in the best times of the Church, so long vncontrolled, and neuer altered, till the mist of superstition came in, which changed all things. But let vs consider the rest which follow.

Next after *Origen* followeth *Cyprian* who reproouing *Geminius Faustinus*, whom *Geminius Victor* had made ouerseer of his will this hee sharply rebuking as being against the *Canons* saith, that ministers (or as he termeth them by a word in vse in that age, *Presbyteri*) haue nothing to doe with secular affaires: but as the Leuites had no other businesse but to attend on the Altar, so the Lord had prouided for ministers, that they might not be drawen Cyprian ep. 66.

en by worldly occasions from their holy businesse: but might liue of that honorable stipend with their brethren, as they who receiued tithes of the fruit of the earth. &c. *Tanquam decimas ex fructu accipientes ab altari & sacrificijs non recedant, sed die ac nocte celestibus rebus ac spiritualibus seruiant.* Where he saith the ministers liued in *honore sportulantium fratrum*. It sheweth that auncient vse whereof we spake before, that the goods of the Church, whether rents of lands, or tithes, or whatsoeuer other prouision, were in his time retained according to the ancient custome, in the Bishops hands, and out of them did the Bishop minister to the necessitie of euery one, for *sportula* was the stipend or allowance of each *Presbyter* or minister, which the Bishop then vsed to distribute among them, of the goods of the Church. This was the ancient vse of the Church, before the diuision of Parishes: for at this time the diuision of Parishes was not yet instituted, so wee finde tithes payed before Parishes were deuided: but then brought to the Bishop and by him distributed among the Ministers.

In honore sportulantium fratrum.

It is the common opinion that *Dyonisius* did first institute the deuision of the parishes, who was Bishop of Rome by *Hieroms* account in the yeare 266. that is some eight years after *Cyprians* martyrdome or *Origens* death, for they two dyed almost within one yeare. By this time parishes began to be deuided, and tithes orderly assigned to seuerall Churches.

Inter decreta Dionisij & cauſ. 13. q. 1.

Heere the question may be moued, when began tithes to be distinctly assigned to their seuerall Churches. This question wee mooue for our ministers at the common law, who following a common error, and taking vp some rumor without skanning, hould that tithes were not assigned to any certaine Churches before the councell of *Lateran*: and that in the former times before that councell, it was lawful for a man to pay tithes to what Church he would; so he paied, it was no matter to whom. But this is a tale not onely without all groūd of story, but against the testimonie of auncients: for presently vpon the deuision

uision of parishes, it was assigned to what seueral churches tithes should be paid. *Gratian* bringeth a testimony out of *Dionisius* himselfe to proue this. *Ecclesias singulas, &c* that is: wee haue assigned seuerall churches for seuerall ministers, and deuided to each their parishes and church-yards, & appointed that euery one should haue their proper right, so that none may intrude vpon the parish or right of another. The same is also confirmed by the testimonie of *Leo* the fourth, who saith, *de decimis &c.* that is, concerning tithes not wee onely, but also those aunceaunts that haue bene before vs, haue thought good that the people should pay them to baptismall Churches. By a baptismall Chuch is meant such a Chuch where all who dwell within the circuit of that parish ought to be baptised, and it is distinguished by this name from Chappels, for albeit diuerse Chappels were founded within the same circuit, yet it was the ancient order that Baptisme might not bee celebrated in those Chappels, but onely in the chiefe Church in that circuit. This is confirmed out of a councell of *Toledo, plures baptismales ecclesiæ in vna terminatione esse non possunt, sed vna tantummodo cum capellis suis.* The counsel called *Cabilonense* about the yeare 650. hath thus: *Ecclesiæ antiquitus constitutæ nec decimis, nec vlla possessione priuentur, ita vt nouis oratorijs tribuantur.* And in case a man should build a Church or Chappell within his owne libertie, yet hee might not pay tithes to it, but the tithes must goe to the auncient Church as in former times, for so saith a councel of Wormes about the time of *Charles* the great. *Quicunq; voluerit &c.* that is, If any man will build a new Church within his owne liberty, hee may, so hee haue the consent of the Bishop in whose diocesse it is, but then the Bishop must prouide that the auncient Churchs loose not their right and tithes, by these new, but the tithes are alwaies to be payed to the auncient Churches.

*Anastasius* Bishop of Rome, Ann. 398. hath two testimonies to the same purpose, *Statuimus &c.* that is, we appoint that if any shall with-hold the tithes and offerings

Caus. 3. q. 3.

Caus. 16. q. 1. plures.

Ibid. Ecclesia

Ibid. quicunc

Ibid. statuimus

" which the people are to pay, or ſhall giue them from the
" baptiſmall Churches without the knowledge of the Bi-
" ſhop, or of him whoſe duetie it is to looke thereto, and
" will not be ruled by their counſell, he be accurſed and de-
" barred from the communion.

Now if hence any ſhall ſurmiſe that hee may by the ſufferance of the Biſhop doe this, becauſe he is commanded without his knowledge not to doe it: that is anſwered, *Concil. Wormac*: that the Biſhop himſelfe may not giue that licenſe to pay tithes from Baptiſmall Churches, and in an other place it is ſaid, that if the Biſhop ſhould do ſo, he ſhould turne the houſe of God into a den of theeues, and ſhould therefore bee excommunicate without hope of returne. Againe, *Anaſtaſius* ſaith, *quidam laici qui vel in proprijs, vel in beneficijs ſuas habent baſilicas, contempta Epiſcopi diſpoſitione, non ad Eccleſias vbi baptiſmum & prædicationem, & alia Chriſti Sacramẽta percipiunt, decimas ſuas dant, ſed proprijs Baſilicis, vel alijs Eccleſijs pro libitu ſuo tribuunt, quod omnibus modis legi & ſacris canonibus conſtat eſſe contrarium.* The councell of *Chalcedon Can.* 16. witneſſeth that the country pariſh Churches were vnder the iuriſdiction of ſeuerall Biſhops, and if a queſtion roſe to which Biſhop the pariſh belonged, 30. yeares preſcription was required to proue the right. If any citie ſhould bee afterward renued by the authoritie of the Emperour, then the ordination of Pariſhes ſhould follow the new ordination of that citie. Thus were pariſh Churches vnder the gouernment of Biſhops, and tithes aſſigned to their proper Churches, long before the councell of *Lateran*: that counſell prouided nothing at all in this point, onely whereas the Regulars and Seculars were then deuiſing a trick to defraud the Churches of tithes, the counſell prouided to take order to ſtop that iniuſtice, for the Regulars and Seculars when they let their houſes or farmes, would couenant that the farmer ſhould pay tithes to them, heereby the Church to whoſe pariſh the farme belonged, was defrauded. To redreſſe this abuſe the counſell of *Lateran*, *Cap.* 56. ordaineth that ſuch tithes

ſhould

Ibid. q. 7.

Cauſ. 16. q. 1.

ſhould not be payed to the land-lords, but to the pariſh Church. This is the rather to be noted, becauſe it openeth the manner and beginning of that wickednes, which came in by ſuch fraternities, for from theſe beginnings impropriations came in, now the counſell cunningly helped forward the matter, for by taking away priuate authoritie, there was a priuiledge cunningly thruſt into the Popes hands, and therefore this abuſe was forbidden by the counſell, becauſe they who would doe it, muſt fetch a licenſe from the Pope, for before this time began thoſe diſpenſations as heereafter will bee ſhewed. Before wee proceede to the teſtimonies of ſucceeding Fathers, one thing I would note concerning patronages of Churches, for that is a thing not vnworthie of knowledge, and pertaining to the queſtion which I follow.

The Church had of old, euen from the Apoſtles times, or very neare them, lands and poſſeſſions, which were diſpoſed by the chiefe of the clergy, that is, Biſhops, there were alſo, as pariſhes were diſtinguiſhed, ſome portions of land aſſigned to euery pariſh Church, Miniſters then hauing temporalties, as now wee call them, it could not chooſe but queſtions might ariſe concerning thoſe poſſeſſions. Now when any troubleſome queſtion did ariſe, thoſe godly men in the beginning would not bee contentious in the law, no not for their owne lands, wherefore becauſe they ſhould neither bee drawen from the ſeruice of the Church through ſutes, nor yet looſe their land vpon the ſute of contentious men: there were certaine temporall men appointed eyther by godly kings, whom *Marſilius Patauinus* calleth Legiſlatores, or by ſuch as gaue thoſe lands, to be Patrons of Churches, who might be readie to defend the Church-rights, that the Biſhops and Paſtors might with more fruit, and leſſe incumbrance apply their vocations.

*Marſilius Patauinus* witneſſeth thus much: *Dominium temporaliũ quæ ſunt pro miniſtrorũ Euãgelicorũ ſuſtentatione ſtatuta, eſt legiſlatoris, aut eius vel eorũ, qui per legiſlatorem ad hoc fuerint deputati, vel per eos qui talia dederunt, ſi* Defenſ. pac. part 2. Cap. 14.

*fuerint ſingulares perſonæ, quæ ſupra dicta temporalia dederint, et ordinauerint ex bonis ſuis ad vſum prædictum. Qui ſequidem ſic ſtatuti ad eccleſiaſticorum temporalium defenſionem & vendicationem, vocari ſolebant eccleſiarum patroni. Nam antiquitus viri ſancti atq; perfecti miniſtri euangelici Chriſtum imitari volentes, contra nullum voluerunt contendere iudicio.* Our purpoſe is not to ſtay in examining euery defect in *Marſilius*, whereunto he was carried by an earneſt welwilling to the Emperours cauſe, and an hatred againſt the abuſes of the church as then it ſtood. Onely we note that temporall patrones were appointed by the firſt doners, not to beſtow church-liuings, as now they doe, but to defend the right of the land giuen to the church. For at the firſt, patrones had no more right, neither could retaine any more to thẽſelues then that which was common to all. This appeareth out of diuerſe teſtimonies (which I cite onely for ſtorie ſake: for although theſe be not vndoubted teſtimonies, yet vndoubtedly this vſe may bee made of them) Whereas one *Iulius* had founded a church, *Gelaſius* writeth to *Seneclior* Biſhop of that dioces, wherein the church was founded, to dedicate the ſame. Prouided, that firſt *Iulius* did reſigne the donation: and he muſt know that he can retaine therein no right to himſelfe, *præter proceſſionis aditum, qui omnibus chriſtianis debetur.* What is ment by *proceſſionis aditus*, I leaue to the canoniſts to expound: but by the words it ſeemeth to be a thing common to all chriſtians. It is likewiſe witneſſed, that one *Frigentius*, founding a Church, retained no more then the former. The ſame is confirmed by a conſtitution of the fourth *Toletan* councell. *Nouerint conditores baſilicarum in rebus quas eiſdem conferunt, nullam ſe poteſtatem habere, ſed iuxtà canonum inſtituta, ſicut eccleſiam, ita & dotem eius ad ordinationem epiſcopi pertinere.* But in the ſame councell it is graunted, that the founders of churches in their life time onely may nominate a miniſter to the church. Thus much concerning the beginning of patronages: where wee may note how far this thing among many is drawen by corruption fr[om] the

Or as the gloſſe ſeemeth to read the dotation. Cauſ. 16. q. 7.

Ibid.

Concil. Toler. 4. can. 32.

the beginning: for patrons were first instituted for defence of the church rights from the wrong and insolences of corrupt and contentious men. But the rights of the church, are at this day euery wher ouerthrowen, as it were by a common conspiracie of men, against the church & ministerie, partly by auncient corruptions, partly by latter. And where can the church haue her right, for corrupt customes? but doe the patrones stand in the gap to defend the church-right? doe they not looke on whilst enery one maketh haste to carry away the spoiles, one inuiting another as to a common pray. They will say, it were to much for them to defend the church in this spoiling age: yet this they should doe from the beginning. *Sed quis custodiat ipsos custodes?* but I returne to my storie.

Wee haue shewed out of such records as are leaft, when tithes began to be established in the church, after the Apostles: how parishes were seperated, and tithes seuerally assigned to each limitation; that the vse of paying tithes to limitted churches was not a matter deuised by the counell of *Lateran*, but in better vse, and more incorrupt order before that councell then euer since: that the vse of patronages in the beginning was for the defence of the church-rights. Now we are to inquire how the succeeding fathers did write of tithes after they were once assigned to particular churches.

*Chrisostome* teaching an husbandman how he may be a worthie Christian and doe good workes though hee build no Churches, saith: *quasi ducta vxore vel sponsa, vel data virgine, sis erga Ecclesiam affectus esto, dotem ascribe illi; ita benedictionis predium multiplicabitur, quid enim non erit illic bonorum? parumne est obsecro torcular benedici? parumne est Deum ex omnibus fructibus prius partem ac decimas accipere? ad pacem agricolarum hoc vtile*, and presently after, *preces illic perpetuæ propter te, laudes ac synaxes propter te*, hee doeth not onely teach them that they ought to pay tithes, but he giueth these reasons, because their seruice, prayers, preaching, is for thee: and because Hom. 18. in Act.

this is the meanes to haue a plentifull blessing vpon the rest, hee witnesseth also the same vse of paying tithes in his time, by reprooving the abuses of Bishops and ministers, when they seemed more carefull to receiue tithes, then to procure the good of the people, of which sort many were in his time, and many moe are in our dayes: *Si populus decimas non obtulerit, murmurant omnes: at si peccantem populum viderint, nemo murmurat contra eos.* Hom. 44. in Mat. *Hierom* speaking in the person of a minister of the gospell, saith thus. If I then being a part of the Lords inheritance, take not my part among my brethren, but as a Leuite and Priest, liue of tithes, hauing meat and raiment, heerewithall I am contented. Ad Nepotia. de vita cler. Againe he saith, *quod de decimis diximus, quæ olim dabantur à populo sacerdotibus & Leuitis in Ecclesiæ quoq; populis intelligito.* In Malach. 3. 8. In which place he saith farther: *Ecclesiæ populis præceptum est dare decimas,* for proofe he alleadgeth S. *Paul, the elders that gouerne well, are worthy of double honor, especially they who labour most in the word and doctrine,* expounding honour, maintenance: and vnderstanding that maintenance, tithes. Out of which testimonies of *Hierom* (who is by *Erasmus* iudged the most learned of the Latine Fathers) it may be obserued. 1. Tim. 5.

First, that the precept of tithes is taken to bee part of the morall law, and ought to be in no lesse force among Christians then among Iewes, such strangers were the learned Fathers in these late deuises which now are found out, that tithes should be ceremoniall or iudiciall, for albeit these termes, *decimæ debentur iure diuino,* were not in vse in those auncient times, yet the Fathers expressly deliuered that which is æquiualent, that Christians are bound to the law of tithes aswell as Iewes were: that the precept for paying tithes is now to bee vnderstood in the Church *secundum literam.*

Secondly, we obserue that the reasons vsed in the new Testament by the Apostles doe truely in the Fathers iudgements conclude for tithes, and not for the pretended competency, which thing was vtterly vnknowne to the Fathers.

Fathers. *Ambroſe* ſaith: *Quicunq; recogneuerit in ſe quod fideliter non dederit decimas, modo emendet quod minus fecit, quid eſt fideliter dare? niſi vt nec pleius, nec minus aliquando afferat de grano, aut de vino, aut de fructibus arborum, aut de pecudibus, aut de horto, &c.* In *Auguſtins* time, it ſeemeth the people, at leaſt in Africa, were very negligent in paying tithes, and therefore hee exhorteth them very earneſtly to that duetie, *Maiores noſtri ideo copys omnibus abundabant, quia Deo decimas dabant, & Cæſari cenſum reddebant: modo autem quia diſceſſit deuotio Dei, acceſsit indictio fiſci: noluimus partiri cum Deo decimas, modo autem totum tolletur.* In which place he witneſſeth two things. Firſt, that it was the cuſtome of the Church long before his time to pay tithes. Secondly, that this thing pleaſed God ſo much, that hee bleſſed them who vſed it, ſo that therefore they had abundance: and that men now in his time wanted, becauſe they were not faithfull in this ſeruice of God: and therefore preaching vpon the 146. *Pſal.* vpon theſe words, *he maketh the graſſe to grow vpon the mountaines:* he compareth the husband man to the mountaine, that receiueth raine and bringeth forth graſſe, hee compareth preaching to the raine, and tithes to graſſe, *ecce mons es, accipe pluuiã, & da fænũ*, and therefore a little after he ſaith *exime partem aliquam redituum tuorum, decimas vis? decimas exime, quanquam parum ſit, dictum eſt enim quia Phariſæi decimas dabant, & quid ait Dominus, niſi abundauerit iuſticia veſtra plus quã Scribarum & Phariſæorum non intrabitis in regnum cœlorum, & ille ſuper quem debet abundare iuſticia tua, decimas dat, tu autem vix centeſimam das.* Where S. *Auguſtin* expoundeth the words of the Goſpell as *Origen* and other Fathers did, as no leſſe belonging, yea much more to Chriſtians then to Iewes. Hee ſpeaketh not doubting (as ſome vnderſtand his words) but becauſe the people of his country were ſo far from performing this duetie, if there bee any doubt in his words, it is onely in this, whether the tenth part were not too little, for ſo doth his words imply, *decimas vis? decimas exime, quanquam parũ ſit*

In ſerm. Quadrageſ.

Lib. 50. Homoliarum homel. 48.

*ſit.* And he whom thou muſt exceede in righteouſneſſe payeth tithes, whereby he implyeth, that thou muſt pay more, for hee doth not leaue it at the peoples libertie to pay tithes, or not to pay, as ſome take it: but ſheweth them that were ſo far from this duety, that they ought to pay tithes and yet doe more then that. *Leo* the firſt, liued in S. *Auguſtins* time, but yonger; *Gratian* citeth his words thus. *Nullus decimas ad alterũ pertinẽtes accipiat*: not long after this, the councell called *Matiſconenſe* 2. was held, wherein it was thus decreed *Leges diuinæ ſacerdotibus & miniſtris eccleſiarũ pro hæreditaria portione omni populi præceperũt, decimas fructuũ ſuorũ ſacris locis præſtare, vt nullo habere impediti, ſpiritualibus poſſent vacare miniſterijs: quas leges Chriſtianorum congeries longis temporibus cuſtodiuit intemeratas. Vnde ſtatuimus vt mos antiquus reparetur, vt decimas eccleſiaſticas omnis populus inferat.* This councell was held about the yeare of Chriſt: 580. The teſtimonie of the fathers of this councel is to be obſerued They witneſſe that the ordinance of tithes was very auncient in the church before them: and as auncient, ſo vniuerſally receiued among Chriſtians. They witneſſe likewiſe that the right thereof is from the law of God. Before this councell almoſt an hundreth yeares, was held the firſt councell of *Orleans*, which affirmeth the ſame. After this the ſame truth was likewiſe cõfirmed by diuerſe councells. *Concil: Cebilonẽſ: 2. cap. 19. concil: Melenſ. cap. 2. Concil. Valent. cap. 10. Concil. Foroiulienſ. cap. vlt. Concil. Mogunt: cap. 17. Concil. Rothomag:* which is thus cited by *Gratian: Omnes decimæ terræ, ſiue de frugibus, ſiue de pomis arborum, domini ſunt, & illi ſanctificantur. Oues, boues, & capræ quæ ſub virga paſtoris tranſeunt, quicquid decimæ euenerit ſanctificabitur Domino.* The Fathers of this councell ſhew that they vnderſtood the precept of tithes *Leuit.* 27. literally, no otherwiſe to be vnderſtoode for Iewes then Chriſtians. *Concil. Triburienſ. cap.* 13. and 14. ſaith thus: *quid ſi dicerit Dominus nempe meus es ô homo, mea eſt terra quam colis, mea ſemina quæ ſpargis, mea animalia quæ fatigas, meus eſt ſolis ardor; & quum omnia mea ſint,*

Cauſ. 16. q. 2.

Concil. Matiſ. 2. can. 6.

Cauſ. 16. q. 1.

tu

*tu qui manus accomodas solum decimam merebaris, sed seruo tibi nouem, da mihi decimam, si non dederis decimã auferam nouem, si dederis mihi decimam multiplicabo nouem. Si ergo querat aliquis cur decimæ dantur, sciat quod ideo dandæ sunt, vt hac deuotione Deus placatus, largiùs præstet quæ necessaria sunt, & vt ministri Ecclesiæ exinde releuati, liberiores fiant ad spiritualis exercitij explecionem. Gregory* the first saith thus : *sicut offerre in lege iubemini, fratres charissimi, decimas rerum, ita ei offerre contendite decimas dierum,* where *Gregory* expresly applyeth the precept of tithes written in the law to Christians, teaching that christians in the law were commaunded to pay tithes. *Beda* in his booke called *Scintillæ* proueth tithes due by Scriptures and Fathers, he citeth out of *Augustin : decimæ ex debito requiruntur, & qui eas dare noluerit, res alienas inuadit.* And againe : *hæc est Domini iustissima consuetudo, vt si tu illi decimam non dederis, tu ad decimam reuoceris :* And many other testimonies. Hom. 16. in Euang.

*Cæsarius Arelatens. Episc :* saith, *decimæ non sunt nostræ, sed Ecclesiæ. Walafridus Strabo* saith, *decimas Deo & sacerdotibus eius dandas, Abraham factis, Iacob promissis insinuat, deinde lex statuit, & omnes doctores sancti commemorant.* Hom. 9, De rebus ecclesijs. cap. 87.

*Leo* the fourth, about the yeare of Christ, 840. is thus cited by *Gracian, de decimis iusto ordine, non tantum nobis, sed etiam maioribus visum est a plebibus tantum vbi sacrosancta baptismata dantur, debere dari.* About this time and after it, tithes were established by constitutions of Princes, as by *Charles* the great, and other. Some learned men haue thought, becaufe fome Princes haue made conftitutions for tithes to bee payed to the Church : that therefore tithes are held by no other right then Princes conftitutions. But before this time tithes were alwaies held by the lawes of God, and not of Princes. I graunt if Princes were fo vngodly, as they were in the time of the Apoftles, that they would not yeeld to Gods ordinance heerein, but would reſiſt the ſame : then could not tithes be payed, as in the Apoſtles times for that cauſe they were not, but the right ceaſeth not, and as wicked Princes cannot Cauſ. 16. q. 1.

take away the right by ſtopping the practiſe: ſo godly Princes cannot make a right, but onely confirme it, when by their good lawes they yeeld to Gods ordinance. 2. Chron 30. Though *Ezekias* by a Godly law command the keeping of the Paſſeouer: yet the Paſſeouer may not therefore be called the conſtitution of *Ezekias*. It is the more to be marualled, that men of learning are ſo haſty in concluding that tithes are nothing but princes conſtitutions, becauſe they finde them confirmed by ſome few princes. After this time the Church ſucceeding, agreed with the former Churches in this opinion, as appeareth by the teſtimonies recorded. *Auent: lib.* 3. *Annal. Synod. Arelat:* 4 *cap* 9. *Synod. Anglic. cap.* 17. in which place it is teſtified, that tithes ought to bee payed, as it is commanded in the law, they teſtifie alſo that no man can giue acceptable almes of the reſt, vnleſſe firſt he ſeparate the tenth to the Lord, which he hath appointed for himſelfe from the beginning, they teſtifie farther, that many grudging to pay the tenth part, are therefore often themſelues brought to a tenth part: the ſame is confirmed by *Rabanus Maurus, in Num lib.* 2. *ca.* 22. & 23. *Leges Boiorum apud Auent. lib.* 3. *Gregory.* 2. *apud Auent. lib.* 3. *Concil. Warm. cauſ.* 16. *q.* 1. *Nicolaus* 1. (about the yeare of Chriſt 858.) *cauſ.* 16. *qu.* 2.

And thus in the ſtory of tithes wee are come to thoſe timees wherein the change began, for all this while there was no change thought of in this queſtion. After this, began thoſe late deuiſes wher of we ſpake before, for now the Pope being growen to ſuch an incorrigle pride and liberty, that he would do al things after his owne pleaſure, no Prince or Emperour being able to bring him into order, began by his al-oppreſſing power to change this ordinance of tithes, which from the beginnig remained vntouched till now, for after it was once found out, that all things holy & profane, were ready marchandiſe for them that brought moſt: then came in exemptions firſt, and afterward impropriations, transfering tithes from one to an other: when exemptions firſt came in, I cannot certainely

tainely define. In the schisme between two Popes *Alexander* the third, and *Victor* the fourth, *Alexander* preuailed by force & perfidiousnes, as they speake who write thereof, of him it is testified: *Cistercienses, Hospitalarios, & Templarios decimarum solutione exemit*, before that time *Iohn* xv. gaue the like priuiledge to Saint *Benets* Monks at Casinum as witnesseth *Leo Marsican: Hostiensis Episcop. Lib. 2. cap. 1 histor. Casinensis monastery*, in these words. *hoc vltra Iohannem duodecimum, &c. in suo priuilegio auctoritate Apostolica addidit, nulli Episcopo licere ab vllo ex populis monasterio subiectis, vel a quibuslibet vbiq; terrarum ad se pertinentibus Ecclesijs, decimas viuorum seu oblationes defunctorum qualibet occasione percipere*. This *Iohn* was Pope Ann. 990. Catus. test. verit. tom. 2. lib. 15.

After this the marchandise of exempting and appropriating was well followed: this new practise of Popes against the auncient ordinance of God was first maintained by the wit of *Alexander de Hales*, and after by *Thomas* of Aquine as we haue shewed. Their deuise is that tithes are iudicials: they framed new distinctions to colour the Popes vsurpation, after he had first by impropriations broken the ordinance of God, and put tithes away from the teachers, which from the beginning of the world till these times, had not beene done before. All the schole-men in a manner follow these two in this question: who with their vnfruitfull disputations darkning the church, as they carried many parts of the holy truth into bondage, so it is not much to bee marualled if this truth of tithes found among them the same intertainment, which other parts of the truth of greater importance did finde. After this time the right of tithes seemed to lie buried by the Popes vsurpation, without great resistance: yet some were found though few, who against the flattery of schole-men, preserued the truth of this question. *Nicolaus Lyra* albeit carried into some superstitions by the streame of those times, yet taught this point not after the late schole-men, but after the auncient fathers. So did *Strabus* an *Anglosaxon* the author of the

ordinary gloſſe. *Iohannes Semeca*, author of the gloſſe vpon *Gratians* decrees, did withſtand Pope *Clement* the fourth, exacting tithes through Germany, which thing *Semeca* tooke to be vnlawfull, and was therefore excommunicate by the Pope, and put from the place of gouernment, which he held at *Halberſtade*. Againſt which iniuſtice, *Semeca* appealed to a councell, and had many great men fauoring his cauſe. Whilſt the contention grew hot betwene them, the death of them both ended the quarrell: the ſtorie is in *Krantzius*. And thus the Pope oppreſſing all with his greatneſſe, making open ſale of tithes, inſtituting impropriations, laid waſt the Churches euery where. And in this ſort they ſtood vntill the time of reformation began by the bleſſed labours of them whom God raiſed vp for that ſeruice. After which time the opinion that tithes were ceremonials was firſt deuiſed.

CHAP.

## CHAP. VI.

*The obiections answered, and the point in question confirmed.*

THus far haue wee followed the ſtory of Tithes from the beginning, though not ſo exactly as might be wiſhed, yet ſo as ſerueth ſufficiently to ſhew how the right of tithes haue ſtood: that they were alwaies due to the teachers of the Church, before the law, vnder the law, and in the time of grace. And this is ſufficient to ſhew that this thing belongeth to the morall law, and ſo to the law of nature. For that which alwaies remaineth the ſame in all ages of the church, doth ſurely belong to the moral law. Thus haue tithes alwaies ſtood the ſame in all ages of the church, vntil late corruptions breaking in like a flud, haue taken away the knowledge and right difference of things. But if a man with iudgement think of the matter, he will confeſſe that late vpſtarts opinions eſpecially ſuch as are maintained neither by ſcriptures, auncient fathers, nor reaſons (for they who hould tithes from the church haue no other argument then ſuch as moued the Pope to take them away, might, and vſurpation, and that moſt pleaſing reaſon of gaine) A man I ſay of iudge-

ment and indifferencie muſt needes yeeld that theſe later opinions ought not to preſcribe againſt ſo auncient a truth.

Now leaſt any ſcruple might remaine, wee purpoſe laſt of all to conſider the obiections moued againſt our concluſion. *Bellarmine* paſſeth ſomewhat haſtily by it, and maketh but one obiection, but *Alphonſus Toſtates* Biſhop of Abula doth inſiſt in the queſtion and ſeeketh to breed more trouble. Firſt hee would proone that tithes belong not to the law of nature. Secondly, not to the morall law.

Abulenſis in Mat. cap. 23. qu. 136.

And firſt he obiecteth thus: God did inſtitute in the olde Teſtament, that tithes ſhould be payed, therefore this is not pertaining to the law of nature: the reaſon is, that which is naturall is not inſtituted by a law, for vnto ſuch things the bond of nature ſufficeth: we anſwere, we finde many things inſtituted in the law, which out of queſtion belong to the law of nature, as the whole decalog. *Abulenſis* reaſoneth againſt this anſwere thus: things pertaining to the law of nature, are not put among other precepts, but onely they are contained in the decalog, tithes are put with others. I anſwere to this laſt obiection, and to the former thus: tithes haue two reſpects.

Firſt, if wee reſpect the generall ordinance of tithes, they were not inſtituted in the law, for this ordinance was before the law, and ſo tithes were alwaies the Lords, as wee haue ſhewed. Secondly, if wee reſpect the particular aſſignation of tithes to the Leuites, this is all which was inſtituted in the law. Now this Leuiticall aſſignation is put with other precepts, but the generall ordinance of tithes is included in the decalog. The parts of this diſtinction we haue proued, wherefore all that *Abulenſis* can proue by this argument, is onely this, that the Leuiticall aſſignation was not belonging to the law of nature, which we yeeld. Againe, where he ſaith, nothing belonging to the law of nature is ſet among other preceps, this is falſe: for thoſe things which are included in the decalog, are often repeated among other precepts, therefore idolatry, whordome, and ſuch like are forbidden, not onely

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in the decalog, but among other precepts: vsury is against the law of nature, as naturall men haue witnesſed, yet it is ſet among other precepts, and the Prophet *Ezekiel* ſheweth that all theſe, vsury, idolatry, whordome, &c. are the breaches of the morall law, *Ezek.* 18. therefore thoſe things that beelong to the law of nature are ſet among other precepts. To that obiection which *Abulenſis* draweth from *Iacobs* vow, we haue anſwered before.

Farther he obiecteth thus: If they were of the law of nature, then ſhould all nations be bound thereto, to this wee haue anſweared before, ſhewing that all Chriſtians haue thought themſelues bound thereto, and that euen heathen men haue thought no leſſe.

Another obiection is: If they belong to the law of nature, then ſhould they be due to Gods miniſters; and yet in the old Teſtament tithes were not giuen, nor any part of them, to the prieſts, which were gods chiefe miniſters, but onely to the Leuites which were miniſters of leſſe place. I aunſwere: where as *Abulenſis* ſaith, the prieſts had no tithes, which saying he often repeateth; we think it enough to aunſwere him with the authoritie of other. *Lyra* a Iew borne and more ſkilfull in the auncient affaires of the Iewes, then *Abulenſis*, vpon the 7. *Heb.* ſaith thus: *Leuitæ generaliter recipiebant decimas a reliquo populo. Inter Leuitas autem illi qui erant maiores illius tribus, videlicet ſacerdotes ſummi filij Aaron, non ſolum accipiebant decimam à populo, ſed etiam de parte Leuitarum recipiebant, quæ vocabatur decima decimæ Num* 18. This teſtimonie ſpoileth his argument. *Hierom* alſo witneſſeth aſmuch, in *Malach.* 3. Againe, in the language of the fathers, this word Leuites vnder the goſpell is alwaies vſed for a preaching miniſter. Whereby they ſignified that tithes were due to labouring miniſters. Biſhops were otherwiſe prouided for: albeit in the beginning Biſhops had the diſtributing of ſuch things among the miniſters. He obiecteth farther. When GOD diſpoſed of tithes *Num.* 18. He ſaith: *I haue giuen the tithes to the children of Leui, for their ſeruice at the tabernacle, &c.*

Wherein

Wherein is meant, that he gaue this poſſeſsion but of late to the Leuits: and therefore commanded them to poſ-ſeſſe nothing among their brethren (thus much we graũt, what is the concluſion?) now if tithes were due by the law of nature, then would not God take from them the right of poſſeſsing the land among the *Iſraelites*. Wee aunſwere: this laſt inference is deuided, ther is no proofe brought for it, neither is there any affinitie betweene the antecedent and conſequent: For GOD may command the Leuites to poſſeſſe no lands (other then was aſsigned to them, which was a large portion) becauſe no worldly buſineſſe ſhould call them away from the ſeruice of GOD, and becauſe the miniſters of the goſpell might bee inſtructed, not to intangle themſelues with the affaires of this world to much, in which ſenſe the Apoſtle giueth that inſtruction to *Timothie: no man that warreth doth intangle himſelfe with the affaires of this life, beecauſe hee would pleaſe him that hath choſen him to bee a ſouldier*: and yet the generall right of tithes may belong to the law of nature for all this. But admitting the concluſion, we ſay it concludeth onely of the Leuiticall aſsignation, not of the generall ordinance. Another obiection is: The Leuites by the law of nature were not dedicated to the ſeruice of the Tabernacle, therefore the tenth was not determinable by nature. We anſwere: The dedication of the Leuites to the ſeruice of the Tabernacle was ceremoniall. That therefore tithes ſhould be ceremonial, the conſequence houldeth not: no not ſo much as to proue the Leuiticall aſsignation ceremoniall. It proueth that aſsignation onely temporary not perpetuall: For it is to laſt no longer then the ſeruice of the Leuites. This is all that can be truely inferred.

2. Tim. 2. 4.

Another obiection is thus: That thing is onely pertayning to the law of nature, whoſe bond and duety may bee determined by naturall reaſon, but naturall reaſon doth not determine numbers, for there can no naturall reaſon bee brought, why rather the tenth part then more or leſſe ſhould bee payed. Wee anſwere by diſtinguiſh-

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ing both lawes naturall and morall. If wee vnderſtand the law of nature to reach as farre as the morall law in his largeſt ſence, (as *Abulenſis* vnderſtandeth it) then tithes belong to the law of nature, euen as doth the ſanctifieng of a ſeauenth day to God, and naturall reaſon doth aſwel determine the tenth in number as the ſeauenth in number. And becauſe *Abulenſis* taketh naturall in this ſence, (for in *Leuit.* cap. 1. qu. 1. he ſaith: *Moralia præcepta naturalia ſunt*) therefore in anſwering whenſoeuer I admit tithes to belong to the law of nature, I would bee vnderſtood to ſpeake in this ſence. But if wee take the law of nature, for that which floweth from naturall principles and is manifeſted to the naturall man by naturall meanes: ſo wee graunt tithes not naturall. We may alſo diſtinguiſh things morall, for either they are morall by diuine inſtitution, or by nature: things morall by nature are thoſe that belong to the law of nature, in which ſence the morall law and naturall law is all one.

But morall by inſtitution are all things beelonging to the true worſhip of God; which things as they come not from the principles of nature, ſo they are not knowen to the naturall man. Among theſe things are a ſanctifieng of a ſeauenth day by God, and ſanctifieng of tithes to God: which things are morall by diuine inſtitution, and ſo naturall by a ſecondarie declaration after, and vpon the law of nature, and in that ſence reduced to the law of nature, as all things that are reueiled in the true worſhip of God, being morall, not by nature but by diuine inſtitution.

Another obiection is: If it were morall, then muſt it remaine as it then ſtood, but then it ſtood ſo, as to bee payed to the Leuits, not to the Prieſts, therefore it ſhould not now bee payed to the Prieſts, yet now it is payed to the Prieſts, wee aunſwere, this is a fallacy παρά τὸ ὁμωνυμίαν the ambiguitie is in this word Prieſt. They are not now giuen to ſuch Prieſts as then were, but they are now giuen to the labouring miniſters: who albeit in the time of *Abulenſis* were commonly called prieſts, and-

(the word being vnderſtood aright) may iuſtly be ſo called: yet in truth they anſwere not to the Prieſts of the old Teſtaments, but to the Leuites, as we haue ſhewed. Againe, we haue proued out of *Lyra* and *Hierom*, that euen then alſo they were giuen to the Prieſts.

An other obiection is: tithes were the Leuites right for their ſeruice: but there was no more reaſon to giue tithes to Leuites, then to Prieſts: this is anſwered, it reſteth vpon thoſe grounds, that no tithes were then giuen to Prieſts, which is vntrue, and that tithes were aſſigned to the Leuites which ſpeaketh onely of the aſsignation, and not of the generall ordinance.

Another obiection is: the ſeruice of the Leuites was a greater thing, then that which was giuen for their ſeruice: but the ſeruice it ſelfe ceaſeth, therefore all the Leuites right ought to ceaſe: we anſwere, we admit the concluſion. All the Leuites right ceaſeth, that is that Leuiticall aſsignation, but the perpetuall ordinance of tithes, as it was before *Leuy* can not be taken away by the particular aſsignation.

Another obiection he frameth thus: If it were naturall, then it could not bee changed nor altered by any diſpenſation: wee anſwere, *hoc illud eſt*. This is the great obiection that carried *Abulenſis*, and all the reſt to deuiſe theſe quirks and ſubtilties againſt tithes, wee can eaſily anſwere, that the Popes diſpenſation heerein was vnlawfull and impious, but all meanes muſt bee attempted that mans wit can deuiſe, beefore the Popes high crowne bee touched. This is the obiecton which onely was thought vnanſwerable, all the reſt are but brought to fill vp a number, as doing their ſeruice to this: now this reaſon is with vs of no ſtrength, what accompt ſoeuer the Papiſts make of it, and euen among them, there are diuerſe which doubt not but that the Pope doth diſpenſe with ſome things euen againſt the law of nature, as appeareth by thoſe caſes, which are called *caſus Papales*, which are drawen alſo into verſes beginning thus:

Apud franciſ. Aſteſanum ité Hoſtienſé.

*Si ſit Catholicus papam non iudicat vllus.*

Wherein

Wherein it is ſaid that hee hath power to diſpenſe in exemptions and periurie, to diſpenſe with that which is curſed anathemate, to diſpenſe againſt all the rules and canons of the Church, to diſpenſe with that ſinne which is greater then adultery, and ſuch like, and therefore no maruaile if he diſpenſed againſt the right of tithes. And theſe are the great reaſons that *Abulenſis* bringeth againſt this queſtion.

*Bellarmine* bringeth but one argument, and that to proue tithes not ceremonial, but iudicial, he ſaith tithes are not ceremoniall but iudiciall: *nam non ordinantur immediatè ad colendum deum, ſed ad æquitatem inter homines,* but how doth he proue this? for ſaith he, God commanded tithes ſhould bee payed to *Leuy*, becauſe *Leuy* was the tenth part of Iſraell, that there might be a proportion betweene their eſtate, and the reſt: we anſwere this reaſon for paying tithes is found in no Scripture, but in *Bellarmines* idle conceipt, who afterward miſliking it, ouerthroweth it, and findeth *Leuy* to be the twelft part of Iſraell. Againe, if this were a reaſon to pay tithes, then ought not tithes to haue beene payed before the law, for this reaſon had no place when *Abraham* and *Iacob* payed tithes, farther the reaſons that are in the Scripture doe ouerthrow this reaſon, for God aſsigneth tithes to *Leuy* out of his owne proper right, beecauſe all tithes are the Lords *Leuit.* 27. If the Lord before and in the law had right to all tithes, then this true reaſon both taketh away *Bellarmins* falſe reaſon, and proueth that falſe which *Bellarmine* ſaith, tithes had no immediate ordination to the worſhip of God. Laſt of all, if this reaſon conclude any thing againſt vs, that tithes are not morall, becauſe they haue no immediate ordination to the worſhip of God, by the ſame reaſon it holdeth likewiſe againſt all maintenance of miniſters, & yet they who deme vs tithes, graunt that ſome maintenance is due, and part of the morall law. Now looke what ordination the maintenance which they yeeld vs, hath to the worſhip of God, the ſame we proue of tithes: but *Bellarmine* ſaith aſmuch for vs, as wee can deſire.

De clericis lib. 1. ca. 25.

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An other obiection is: tithes were the Leuites right for their ſeruice: but there was no more reaſon to giue tithes to Leuites, then to Prieſts: this is anſwered, it reſteth vpon thoſe grounds, that no tithes were then giuen to Prieſts, which is vntrue, and that tithes were aſſigned to the Leuites which ſpeaketh onely of the aſsignation, and not of the generall ordinance.

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De clericis lib. 1. ca. 25.

To. 1 con. 5. lib. 1 c. 25.

desire, *certum est* (saith he) *praeceptum de soluendis decimis, qua parte diuinum & naturale est, non posse vlla lege humana vel consuetudine contraria aboleri, ac proinde certum est, Ecclesiam habere ius petendi decimas, etiam vbi consuetudo est, vt non soluantur, in hoc enim omnes theologi & Canonistæ conueniunt.* If this bee so certaine, then it is also certaine that if it were not for the Popes dispensations to the contrary, all Papists would assent to our conclusion.

By this graunt of *Bellarmins* wee haue gotten somewhat, that all the schole-men and canonists, that is, in a manner all papists, hould that the precept of tithes is diuine and of the law of nature in some sort, and that therfore the Church hath right to claime tithes; which words would bee well noted, for if therefore the Church hath right to demaund tithes, because in some sort tithes belong to the morall and naturall law, then are tithes neither iudiciall nor ceremoniall in any sort. For that which the Church may alwaies demaund is naturall, and diuine. But the Church, saith *Bellarmine*, may alwaies demaund tithes, that is, the tenth part, though custome bee against it Therefore the tenth part is due by the law of God and of nature. Now the Church hath not alwayes right to demaund things ceremoniall, or iudiciall.

By this which *Bellarmine* graunteth, we haue enough, for he proueth that the *quota pars* is naturall and diuine. And whether *Bellarmine* graunt thus much or not, the force of the truth will compell euery man to confesse that the thing which must of right alwayes be demaunded in the Church, is naturall, and diuine. Now certaine it is, that the Church hath no right to demaund any other kinde of maintenance then tithes.

In Mat. 23. q. 148.

*Abulensis* (who seemeth to bee much more curious then *Bellarmine*) moueth this question, *quo nam iure debetur decima?* after much disputation, his resolute aunswere is, *debetur iure canonico, quia non debitur iure naturæ, nec diuino, nec ciuili, quum illud non imponat onera pro ministris dei, neq; est enim aliqua lex ciuilis quæ obliget omnes Christianos, quum non sit aliquis vnus princeps secularis*

*laris omnium, ſicut eſt vnus princeps eccleſiaſticus.* In which wordes wee obſerue the abſurdities whereinto great wits muſt needes fall, when once they reſolue to haue the truth, as Saint *Iames* ſaith, in reſpect of perſons, for by this it appeareth what they would hold if the Popes authoritie to the contrary, did not ſet a byas vpon their wits and words.

Firſt, he ſaith, tithes are due onely *iure Canonica*, but what then muſt bee ſaid of thoſe times beefore this *ius Canonicum* was inuented? Tithes were proued by the auncient Fathers to bee due, when there was no Canon law in the world, and were more ſincerely held by the Church before, then after the Canon law came in, held by the Fathers from the law of God, and no other. Canonico

Secondly, he graunteth that tithes are not due, *iure ciuili*, and giueth reaſons why they cannot ſtand by that law, which are well to be marked, becauſe, ſaith he, tithes are the miniſters right through all Chriſtendome. Now neither doe the ciuill magiſtrate impoſe thoſe rights, neither is there any one ciuil Prince that ruleth ouer al chriſtendome, therefore they are not, neither may be impoſed by the ciuill lawes. If this reaſon be good, then is it certaine that tithes haue nothing to doe with iudicials: for nothing is iudiciall, but that which may bee impoſed by the ciuill lawes, this is an euident truth which none denieth that knoweth what are iudicials, whereby it is no leſſe euident that *Abulenſis* doth vtterly ouerthrow all that deuiſe at once, which the ſchole-men ſo buſily build vp.

Thirdly, wee reaſon from his enumeration of lawes thus: Tithes are due by ſome law, either by the lawe of God, or by the ciuill lawes, and Princes conſtitutions, or by the Canon law. But *Abulenſis* and the reſt of that ſide graunt that they are not due by the ciuill law, and Princes conſtitutions: and wee proue that they are not due by the Canon law, (becauſe they were more duely, more orderly, and ſincerely payed and held before the Canon law was inuented, then euer they were ſince)

therefore it muſt follow that they are due by the law of God. As this ſtandeth againſt the Papiſts, ſo it ſtandeth no leſſe ſtrong againſt ſuch as hold tithes Princes conſtitutions: becauſe it is proued that tithes were held as orderly, and duely in the Church, before they were confirmed by Princes conſtitutions, as afterward. Princes indeed may confume or forbid the vſe, but they cannot make or take away the right.

Wherefore ſeeing all that ſtandeth againſt vs is declared to be of no force: and that we haue proued that the maintenance in the Apoſtles times, was nothing but almes: that tithes were eſtabliſhed in the Church as the auncient ordinance of God: that this ordinance is not iudiciall beecauſe it is holy, and of things ſeparate from common vſe: nor ceremoniall, becauſe it was not ordained to remaine onely vntill the time of reformation, but remaineth after that time: ſeeing theſe things ſtand thus, we may ſafely conclude that tithes are now due to the miniſters of the Church by the expreſſe word of God, as they haue beene alwaies accounted in the beſt ages of the Church.

*FINIS.*